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IMPLEMENTATION OF THE HELSINKI ACCORDS

HEARING

BEFORE THE

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

NINETY-NINTH CONGRESS

SECOND SESSION

STOCKHOLM MEETING OF THE CONFERENCE ON CONFIDENCE- AND SECURITY-BUILDING MEASURES AND DISARMAMENT IN EUROPE (CDE)

OCTOBER 1, 1986

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THE STOCKHOLM MEETING OF THE CONFERENCE ON CONFIDENCE- AND SECURITY-BUILDING MEASURES AND DISARMAMENT IN EUROPE [CDE]

WEDNESDAY, OCTOBER 1, 1986

COMMISSION ON SECURITY
AND COOPERATION IN EUROPE,
Washington, DC.

The Commission met, pursuant to notice, in room 538, Dirksen Senate Office Building, at 10 a.m., Senator Alfonse M. D'Amato, chairman, and Representative Steny H. Hoyer, cochairman, presiding.

In attendance: Ambassador Robert L. Barry, head of U.S. delegation to the Conference on Confidence- and Security-Building Measures and Disarmament in Europe [CDE].

Also in attendance: Michael R. Hathaway, staff director, and Mary Sue Hafner, general counsel of the Commission.

OPENING COMMENTS BY CHAIRMAN D'AMATO

Chairman D'AMATO. On behalf of the Commission, I am pleased to welcome Ambassador Barry back following the conclusion of the Stockholm Conference.

And as head of the U.S. delegation in Stockholm, Ambassador Barry played an integral role in the formulation of the CDE agreement adopted a little more than 1 week ago.

This package of confidence- and security-building measures is designed to bring about greater openness with respect to European security and reduce the risk of war.

I'm going to move that the balance of this statement be placed in the record, Mr. Ambassador, so we can hear from you and get your views as to what the significance of this agreement is.

[The prepared statement of Chairman D'Amato follows:]

STATEMENT OF CHAIRMAN D'AMATO

On behalf of the Commission, I am pleased to welcome Ambassador Barry back following the conclusion of the Stockholm Conference.

As head of the U.S. delegation in Stockholm, Ambassador Barry played an integral role in the formulation of the CDE agreement adopted a little more than 1 week ago.

This package of confidence- and security-building measures is designed to bring about greater openness with respect to European security and reduce the risk of war on a continent which has the largest concentration of military might in the world.

A key aspect of the package is the first inclusion of provisions for onsite inspection in an East-West agreement.

While we welcome this historic move, we will be watching closely to see if and how it is implemented.

The adoption of an agreement in Stockholm has broad implications for the Helsinki process. While I support the goal of furthering security in Europe, I am concerned that the CDE will come to overshadow the other elements of the process, particularly in the area of human rights. U.S. policy has and must continue to seek balance within CSCE.

I am convinced that genuine security will not be achieved until the East begins to take seriously the human rights commitments it made in Helsinki more than a decade ago.

Aside from occasional gestures, the Soviet and East bloc human rights record is abysmal.

While I welcome yesterday's announcement regarding the release of Yuri Orlov, founder of the Moscow Helsinki group, I am reminded that 41 other monitors remain imprisoned.

The list of violations is long. From the banishment and harassment of Andrei Sakharov and Elena Bonner, the jailing of Hebrew teachers, the forced separation of cancer patients, including Rimma Bravve, from their loved ones in the West, and persecution of believers, the list goes on and on.

And these violations are by no means limited to the Soviet Union. The records of other East bloc countries are equally bad. Despite a propaganda campaign designed to give the impression of greater openness, these societies remain very much closed.

As we prepare for the Vienna Follow-up Meeting, we are faced with new challenges. We must balance the legitimate security concerns of our allies against our continued concerns over human rights.

The Soviets have made clear their goal of expanding the CDE. We must make our position equally as clear.

The time has come for concrete deeds in the area of human rights. For in the absence of progress in human rights, we cannot hope for the achievement of lasting peace.

I look forward to hearing from Ambassador Barry on these and other important aspects of the CSCE process.

Chairman D'AMATO. And I'd like you to address your question of the impact of the adoption of an agreement in Stockholm on the area of human rights.

Have we sacrificed that area of concern with this agreement? Have we put human rights on the back shelf? What place will that play in the future? As you are aware there are many who are very fearful that the concern for the agreements dealing with security may totally obfuscate the legitimate concern as it relates to human rights; concern about those accords which have been systematically violated by the Soviets and Eastern bloc nations as it relates to the guarantee of human rights provided for in the Helsinki accords.

Mr. Ambassador.

STATEMENT OF AMBASSADOR ROBERT L. BARRY, HEAD OF U.S. DELEGATION TO THE CONFERENCE ON CONFIDENCE- AND SECURITY-BUILDING MEASURES AND DISARMAMENT IN EUROPE [CDE]

Ambassador BARRY. Well, thank you, Mr. Chairman.

I appreciate this opportunity to report to you on the outcome of the Stockholm Conference itself and what we have accomplished or think—hope we have accomplished there in the security field. But I also particularly welcome your question and concern, which is a concern that I share, that the security aspects of the CSCE process not be allowed to overshadow the human rights, human contacts, and other areas which have been so important to us.

I have a statement which I will summarize briefly and then perhaps respond to any questions that might shed some more light on this.

Chairman D'AMATO. First, we will, for the record, take your statement as if read in its entirety.

[The statement of Ambassador Barry follows:]

STATEMENT OF AMBASSADOR ROBERT L. BARRY

I welcome this opportunity to discuss with you the results of the Stockholm CDE conference.

I wish to make some general observations about its significance and its implications.

I would welcome the chance to discuss the details of the accord in response to questions.

For the past 10 years, the United States and its European allies have sought to ease the barriers dividing Europe through the process of dialogue and cooperation launched by the 1975 Helsinki Final Act.

We have pursued this across many fronts. The Stockholm Conference on and Confidence- and Security-Building Measures And Disarmament in Europe (CDE) has been an integral part of this broader process.

As the President stated last week, we welcome the positive outcome at the CDE conference. If faithfully implemented, this accord could reduce the risk of war in Europe, contribute to greater security and openness, and lead to improved East-West relations.

It is noteworthy that the Stockholm document was built around the proposals introduced by the West.

Many Western commentators initially feared that Stockholm would provide the East with a platform to press its peace campaign and promote public support for proposals on nuclear weapons free zones, a ban on chemical weapons in Europe, a pledge on nonfirst use of nuclear weapons, and a freeze and reductions in military budgets.

The course of the conference demonstrated that such fears were unfounded. Stockholm did not turn into a polemical debate about nuclear weapons. The East did not succeed in making Stockholm its propaganda forum.

Instead, the conference concentrated on the practical measures introduced by the West, as well as neutral and nonaligned countries, pointing up the shortcomings of the East's declaratory proposals.

To be sure, the final document consists of compromises struck during the negotiation. For example, it reflects Soviet interest in having Stockholm say something about the principle of nonuse of force. But the content of this reaffirmation contains themes we in the West support: Human rights, the need to combat terrorism, language opposing the Brezhnev doctrine.

The bulk of the document, of course, deals with concrete confidence- and security-building measures proposed by the West. Most of the measures originally introduced by the NATO Allies in January 1984 were incorporated into the CDE accord.

Allied unity and intensive consultations had much to do with this outcome.

The proposals introduced in January 1984 by NATO members were the result of an extensive study at NATO. They reflected a solid consensus on allied objectives for Stockholm. That consensus and process of thorough consultations was sustained throughout the course of the negotiation, in Brussels, in Stockholm, and in bilateral contacts in capitals.

The alliance successfully overcame repeated Eastern efforts at wedge-driving. Our united front was a key factor in convincing the East to drop its unacceptable proposals and to join in a serious effort to build a more secure future in Europe.

The measures adopted in Stockholm mark a significant advance over those contained in the Helsinki Final Act, transforming the concept of confidence-building into practical procedures.

The CDE accord, if implemented, means greater openness about military activities in Europe. We will know more, sooner about larger numbers of Eastern military activities, and we will be able to resolve any doubts about compliance with the accord.

In comparison with the Helsinki Final Act:

"For the first time, states are required to provide a comprehensive picture of the military activities through a requirement to forecast plans 1 year or more in advance.

"The CDE zone of application has been expanded to cover more than 1,000 miles of territory east to the Urals.

"The threshold for notification has been cut almost in half, from 25,000 troops to 13,000, thus greatly increasing the number of military activities subject to these measures.

"The definition of military activities covered includes all significant activities, such as concentrations of forces, not just maneuvers and exercises.

"States are required to give much earlier notification (42 days in advance compared to 21).

"The invitation of observers from all participating states is mandatory when 17,000 or more troops are involved.

"And perhaps the most significant advance of all was the CDE provision for mandatory inspection without right of refusal."

This is the first East-West accord in which the Soviet Union has agreed to inspection of military activities on its territory. We not only secured Soviet acceptance of the principle of challenge inspection, but we also secured their agreement to a set of specific modalities.

These modalities do not represent everything we aimed for. We continue to believe that use of aircraft from neutral states, rejected by the East, would produce a more credible form of aerial inspection than use of aircraft from the state being inspected.

Nevertheless, the provisions in the Stockholm accord will strengthen an inspector's ability to verify compliance.

In sum, the detailed provisions of the Stockholm accord, if faithfully implemented by all parties, can make military activities in Europe more predictable and inhibit opportunities to use military force for political intimidation. These were precisely the objectives of this administration in agreeing to enter into this negotiation.

What are the implications of the Stockholm document?

First, this accord is not the last word on confidence building in Europe. It elaborated on the measures contained in the Helsinki Final Act, but it did not exhaust the potential of such measures.

Stockholm did not achieve as much as we sought, for example, in the area of informational exchange.

We continue to believe that the predictability of military activities in Europe would be enhanced by an agreed understanding of the dispositions and combat capabilities of forces routinely stationed in Europe. Experience with inspection, moreover, is likely to point up ways in which that regime could be enhanced.

Our experience with the first trial of challenge inspection will also help us to develop a model for the much more demanding task of monitoring arms control agreements.

The mandate for CDE stated that the conference will undertake, in stages, new, effective, and concrete actions, and it provided that the Vienna Follow-up Meeting will assess the progress achieved during the first stage of the conference. The future of the CDE is, thus, an issue that will be addressed in Vienna.

Now that we know the outcome of the Stockholm Conference, we are in a better position to determine what position the United States and its NATO allies should take on security issues at Vienna. At a minimum, we will insist on and monitor closely full implementation of the CDE accord.

Whether Vienna should mandate the CDE to continue its work under the terms worked out in Madrid or whether it should supplement that mandate remains an issue under consideration in the Alliance's Conventional Arms Control Task Force.

This group was established by NATO Foreign Ministers last May to consider how best to pursue the objective of strengthening stability and security in the whole of Europe through increased openness and the establishment of a verifiable, comprehensive, and stable balance of conventional forces at lower levels.

A final report is due to Ministers at their December meeting, with an interim report to be presented to the North Atlantic Council in October.

One can envision several alternative approaches for taking the new steps that NATO Foreign Ministers called for last May. These could be pursued either within the framework of the CSCE process or outside of it.

We are still pursuing the basic analytical work in this area with our allies. The decisions the Alliance will take in this area are likely to determine the shape of conventional arms control negotiations for the next decade.

The Stockholm accord also has implications for the CSCE process as a whole. By advancing the principle of openness in the military-security field, this accord can contribute to progress in the broader Helsinki process toward lowering the barriers which divide Europe.

We hope that Soviet agreement to be more open about its military activities will be carried over into other areas of CSCE.

But this advance in one area of the process also highlights the need for balanced progress on human rights and fundamental freedoms, where the East's record of compliance has been severely flawed.

Confidence building in the larger sense means expanding human contacts and intellectual exchange, and increased openness across all fields of human endeavor.

The contribution of the security arrangements negotiated at Stockholm to increased confidence in Europe will turn out to be limited without progress on these other fronts.

As President Reagan pointed out in his September 22 statement, "the U.S. delegation to the Vienna Follow-up Meeting will press for fulfillment of all CSCE commitments."

We will insist that whatever comes after Vienna remain true to the original vision of Helsinki, which recognized the interdependence of greater peace and freedom in Europe.

We will insist that the promises made in Stockholm be fulfilled in practice.

Chairman D'AMATO. And we would appreciate your summary.

Ambassador BARRY. Well, it seems to me. Mr. Chairman, that the Stockholm Conference has made some important progress in the security area, but also that it's made some progress in the area which is so central to the whole CSCE process, which is lowering the barriers dividing Europe through the process of dialog and cooperation launched by the 1975 Helsinki Final Act.

We stressed in our entire approach to the discussions in Stockholm that the Stockholm Conference was an integral part of the broader CSCE process, and was linked to the wider question of security and human rights and how those two issues are interlinked.

As President Reagan stated last week, "we do welcome the positive outcome of the CDE Conference."

We believe that if this accord is faithfully implemented it can reduce the risk of war in Europe, contribute to greater security and openness, and lead to improved East-West relations.

We think it's important that the document that finally emerged from Stockholm was built around proposals submitted by the West.

When this process started, many people in the West feared that Stockholm would simply provide the East with a platform for its rhetorical, general proposals on foreign policy and its peace campaign and to promote ideas such as nuclear weapons free zones, bans on chemical weapons, pledge on nonfirst use of nuclear weapons, and a freeze and reductions in military budgets.

In the course of this Conference, these proposals withered on the vine and our fears proved unjustified.

The East failed to make Stockholm a propaganda forum for its own, one-sided, rhetorical "peace" measures.

Instead, the Conference debate and the drafting centered on the concrete and practical measures which had been introduced by the West and supported by the neutral and nonaligned countries, which undermined the declaratory proposals which had been fostered by the Soviet Union in particular.

There are, of course, compromises inherent in this agreement. We did not get all we would like out of it. And the Soviet Union got some of what it would like out of it. This is a natural result of any negotiation of this kind.

For example, the final document does contain a statement on the principle of the nonuse of force, which was an original Soviet proposal that was part of their initial package.

But the content of this reaffirmation is, in fact, in my mind, largely Western. We managed to steal the content of the document from them. The statement contains themes that we in the West have supported for a long time, such as: The theme of human rights and its connection to security issues; the theme of the need to combat terrorism wherever it should appear; and the theme of opposing the Brezhnev doctrine.

So, in our view, even that section on nonuse of force does reflect Western content, a fact which I think became apparent as the drafting process wore on and we got more and more of what we wanted into this particular section of the document, and the East lost interest in it.

The bulk of the document that we produced in Stockholm, of course, deals with concrete confidence- and security-building measures, those measures originally proposed by the West in 1984 submission.

We think that the reason that we succeeded in getting so much of what we wanted in this document was because the allies were united and conducted intensive consultations with a view toward forming the proposal that we tabled in January 1984, and then maintaining a consensus on supporting and promoting these proposals throughout the Conference.

This reflected a process of discussions within the NATO caucus itself, in Stockholm, at NATO headquarters in Brussels, and a series of important bilateral consultations in all of the NATO capitals.

I think the East came to Stockholm with the aim of wedge-driving, with the aim of trying to divide the United States from its Western European allies, and found that these efforts were fruitless.

I think that is why we succeeded in getting many of the things that we thought were essential to us, especially the concept of inspection.

We think that the concrete and confidence- and security-building measures that were adopted in Helsinki represent a very important qualitative improvement over those measures that were decided upon in the Helsinki Final Act.

If implemented—and that if is a big if—we think that the accord means greater openness about military activities in Europe.

In comparison with the Helsinki Final Act and its confidence-building measures, this Stockholm document does the following things:

For the first time, Participating States are required to provide a comprehensive picture of their military activities through a requirement to forecast the plans of these military activities 1 year or more in advance.

The zone of application for these confidence-building measures has been expanded to cover more than 1,000 kilometers of new territory, that is, Soviet territory up to the Ural Mountains.

The threshold for notification of military activities has been cut almost in half, from 25,000 troops to 13,000 troops, thus greatly increasing the number of military activities subject to these measures.

It also contains a very important structural parameter for deciding what will be notified, which makes the accord more verifiable.

The definition of the military activities to be included includes all significant military activities which could take place in Europe, including such activities as concentrations of forces, and not just military maneuvers and exercises as was the case in Helsinki.

States are required to give much earlier notification than before of forthcoming military activities, twice as long, 42 days as compared to 21 days.

The invitation of observers from all Participating States is mandatory when 17,000 or more troops are involved.

We think that perhaps the most significant new measure of all is the provision for mandatory inspection without the right of refusal.

This is the first East-West accord in which the Soviet Union has agreed to inspection of military activities on its territory.

When I appeared before this Commission the last time, that was certainly a central theme of my presentation and of the Commission's concern. I think that the acceptance of the principle of challenge inspection by the Soviet Union and their agreement to a specific set of modalities does represent, as President Reagan has said, "a major advance."

Now, I would have to say that we did not get all we wanted in the field of inspection. It had been our aim to either provide for inspection with the use of aircraft from the inspecting state or, as we later proposed, using aircraft provided by neutral states. But the East rejected this proposal and insisted upon a system of using the aircraft from the state being inspected.

We believe we have some safeguards in the agreement against abuse of this. But, of course, we still believe that the use of neutral aircraft would provide a more credible form of aerial inspection than the use of the aircraft from the state being inspected.

In sum, we think that the detailed provisions of the Stockholm accord can make military activities more predictable and inhibit opportunities to use military force for political intimidation.

These were precisely the objectives of the Reagan administration in agreeing to enter into this negotiation in 1981.

Let me discuss a little bit some of the longer range implications of the Stockholm document.

First, we do not believe this is by any means the last word in confidence building in Europe.

What we have here is a decisive improvement on the measures contained in the Helsinki Final Act. But the Stockholm document by no means exhausts the potential of such measures.

Stockholm did not achieve as much as we sought, for example, in the area of informational exchange.

We continue to believe that the predictability of military activities in Europe would be enhanced by an agreed understanding of the dispositions and combat capabilities of forces routinely stationed in Europe.

Experience with inspection, moreover, is likely to point up ways in which that regime could be enhanced.

Our experience with the first trial which we are now going to have of challenge inspection will help us to develop a model for the

much more demanding task of monitoring arms control and reduction agreements.

The mandate for the Stockholm Conference stated that the Conference will "undertake in stages new, effective, and concrete actions." It provided that the Vienna Follow-up Meeting will assess progress achieved during the first stage of the Conference.

The future of the CDE process is, thus, an issue that will be discussed in Vienna.

Now that we know the outcome of the Stockholm Conference, we are in a better position to determine what position the United States and its allies should take on security issues at Vienna.

At a minimum, we will insist on and monitor closely, full implementation of the CDE accord.

Whether Vienna should mandate the CDE to continue its work under the terms worked out in Madrid or whether it should supplement that mandate remains an issue which is now under consideration in the Alliance's Conventional Arms Control Task Force.

This group was established by NATO foreign ministers last May to consider how best to pursue the objective of strengthening stability and security in the whole of Europe through increased openness and the establishment of a verifiable, comprehensive, and stable balance of conventional forces at lower levels.

A final report is due to ministers at the December meeting, with an interim report which will be presented to the North Atlantic Council in October.

There are several possible alternative approaches to taking the kinds of new steps on conventional arms reductions that NATO foreign ministers called for last May.

These could be pursued either within the framework of the CSCE process or outside of it. We are still pursuing the basic analytical work on this question together with our allies.

The decisions the alliance will take in this area are likely to determine the shape of conventional arms reduction negotiations for the next decade.

The Stockholm accord also, of course, as you have pointed out at the outset of this hearing, Mr. Chairman, has implications for the CSCE process as a whole.

By advancing the principle of openness in the military security field, this accord can contribute to the progress in the broader Helsinki process toward lowering the barriers which divide Europe. This has been the theme that President Reagan has stressed in the many messages he has sent on the subject of the CDE Conference since it began in January 1984.

We hope that Soviet agreement to be more open about its military activities will be carried over into practice and will also carry over into other areas of the CSCE process.

But the advance in one area of the process highlights the need for balanced progress on human rights and fundamental freedoms, where the East's record of compliance has been severely flawed.

Confidence building, in the larger sense, means expanding human contacts and intellectual exchange, and increased openness across all fields of human endeavor.

The contribution of the security arrangements negotiated at Stockholm to increased confidence in Europe will be very limited without progress in all these other fields.

As President Reagan pointed out in his September 22 statement on the conclusion of the Stockholm Conference, the U.S. delegation to the Vienna Follow-up Meeting will press for fulfillment of all CSCE commitments.

We will insist that whatever comes after Vienna remain true to the original vision of Helsinki, which recognized the interdependence of greater peace and freedom in Europe.

We will insist on balanced progress across the full CSCE agenda. And we will insist that the promises made in Stockholm be fulfilled in practice.

Thank you, Mr. Chairman.

Chairman D'AMATO. Well, Mr. Ambassador, let me reiterate the Commission's insistence that progress be made in all aspects of the CSCE, and we not make the CSCE simply a forum for security issues. Human rights must not be ignored or put at a lesser level. I'm certain that the Soviets would like to see take place. I want to underscore the seriousness with which this Commission and Members of the Congress view this matter that notwithstanding world concern, congressional concern, legitimate concern for disarmament, for confidence-building measures in these areas, for the breakthrough in terms of the inspections—and there are some questions there, there's the question of notice and the question of whose planes will be utilized, as you raised—but notwithstanding that, that area of human rights, I have a very real concern, should not be set to the side.

Now, let me pose a question.

During your World Net interview, following the conclusion of the Stockholm Conference, you indicated that the Soviet concessions in Stockholm might be part of Gorbachev's "campaign for openness." Do you believe that there will be a similar campaign conducted as it relates to the area of human rights, immigration, Jewish immigration, other immigration, and freedom of religion in general?

Is this the same kind of approach when it comes to what the Soviets often claim are their own legitimate internal affairs? And, of course, that again flies in the face of the Helsinki accords. What is your opinion?

Ambassador BARRY. Well, Mr. Chairman, first of all, let me say that I know that Warren Zimmermann, the chairman of our delegation to the Vienna Follow-up, is very much aware of the concerns of this Commission.

We were certainly aware of the concerns of this Commission as we were negotiating in Stockholm.

We continued to stress in all of our statements the need for balance between progress on security issues and on human rights issues. I know that the U.S. delegation to the Vienna Follow-up Conference will be strongly emphasizing this need for balance and this need for progress in performance, and I mean performance more than in terms of drafting papers; I mean improved performance on the issue.

On the question of openness, I think that we have to distinguish here between what the Soviet Union says it wants in terms of openness and what it is ready to produce.

In Stockholm, they said they were for openness. But when it came to obtaining exchange of military information openness was sadly lacking.

We were not even able to obtain a provision in the Stockholm document which provided for identifying the divisions which participate in military exercises, something we, in the West, have been routinely providing since 1975 in our own notifications.

So, I think the same reluctance in openness will extend into the field of human rights and human contacts.

I think they will try to mount a campaign in which they will try to demonstrate that they are more forthcoming on issues of human rights.

They have, after all, now, founded a department of human rights in the Soviet Foreign Ministry and they have begun to pay more lip service to the concept. However, this is on their terms—not individual human rights, but collective human rights and the connection between security and human rights.

It remains to be seen whether in the context of the Vienna meeting, in the context of United States-Soviet contacts, the Soviet Union will be more forthcoming in concrete terms, which are, after all, the terms that interest us. It is not what you say but what you do that counts.

My crystal ball would not lead me to be terribly hopeful that you're going to see qualitative change in that direction.

However, I think it should and will remain a foremost goal of our foreign policy, both multilaterally and in our bilateral dealings with the Soviet Union.

Chairman D'AMATO. Mr. Ambassador, I'm going to ask that you respond to a number of questions for the record in writing.

Let me just ask you one final question now.

When you testified before the Commission in March, you indicated that you had a feeling that the NATO allies were rather unified in their position in stating that they would not allow this to become a permanent security forum. Is that still your opinion following the Stockholm accords?

Ambassador BARRY. Yes, sir, it is.

I don't think that anybody among the NATO alliance has any interest in setting up some kind of a permanent consultative body.

This is certainly true from the political standpoint. It is also very much true from the standpoint of allied defense ministries, who see this as being a serious potential challenge to the ability of the alliance to respond in times of crisis.

In fact, as the last weeks of the Conference wore on, the neutrals and nonaligned themselves, who had been advocates of some kind of consultative process, lost much of their interest in the idea.

And, at least at the moment, I do not see it as being a theme which will recur in any important way in Vienna or afterwards.

Chairman D'AMATO. Good.

I said one question. I hope you'll bear with me. I've just one other area that I'd like to touch on. I promise you there'll be no more.

In the portion of the document dealing with terrorism, we came away with strong language that sounds rather purposeful; that all of the 35 nations would work together to combat the scourge of terrorism.

Please give us an assessment as to the sincerity and depth of commitment to this section.

I know that's a tough order. But as best you can evaluate—I'm particularly concerned about those nations which, in the past, have at least given sanctuary, if not aided and abetted terrorists—Do you believe there has been a real change in attitude?

Ambassador BARRY. Well, Mr. Chairman, I really think we're going to have to wait and see.

I happen to have had the previous experience of serving as Ambassador in Bulgaria during a time when we had very serious problems about terrorism and Bulgarian support for terrorism.

We had a heated exchange in the Conference itself after the raids against Libya in which the East was accusing us of state terrorism. And I had to respond by saying that in all my efforts, over a period of 2½ years, in Bulgaria, to get serious attention paid to the problem of terrorism, I found that in practical terms, in terms of actually doing something about it, nothing much happened.

Now, I think it's very much true that the consciousness of terrorism as something that affects all, East and West, has steeped through the international community. And there was a reflection of that in the Stockholm document.

But, after all, what counts is what are you going to do about it.

If you have something on paper that says take all means to combat terrorism, that's fine. But then I think you have to look very carefully at what is done.

Look at the GDR, for example, where still the Libyans have large numbers of people in Libyan People's Bureaus in Berlin who can and do cross the border into the West.

It seems to me that a serious commitment to do something about that would be reflected in action as much as words.

Chairman D'AMATO. May I take the liberty of attempting, then, to synthesize your statement and say you do not have a great anticipation that this agreement, then, will yield some positive results in the area of terrorism.

Ambassador BARRY. No, Mr. Chairman.

I must say I have great skepticism about the generalities that are contained in something like the nonuse of force, reaffirmation that is in this document.

It does contain generalities that are welcome to us. But to me, the concrete, specific requirements that are built into this document in the areas of notifying about military forces and their activities, are going to be the areas where we can realistically look forward to monitoring compliance and insisting on compliance.

When it comes to generalities about human rights and about terrorism, I think that the emphasis is going to have to continue to be on other forums, on bilateral channels to get more done in these areas.

Chairman D'AMATO. Mr. Ambassador, let me pose one other question.

What happens when there is a failure to notify and, as you've just indicated we detect and observe that there's noncompliance with the agreement? Let's say in the instance of some troop movement.

Ambassador BARRY. In that case, Mr. Chairman, we have the right to inspect to see if, in fact, a violation has occurred.

We have the right to send in a team of four inspectors, who will be able to inspect from the ground, from the air, or both, over a period of 48 hours, to cover the area designated for this inspection, to see whether or not we are able to detect an actual violation, which can be measured in terms of the number of tanks in the field, the number of troops in the field.

If a violation has, in fact, occurred, and it can be demonstrated, then the violating state will be clearly found in violation of the terms of this agreement. And I would think then that the political response would be something akin to saying that other obligations flowing from the agreement would be in abeyance.

Chairman D'AMATO. Mr. Ambassador, let me thank you for appearing before the Commission and above all your candor, particularly in terms of making your assessments as it relates to compliance, and the issue of terrorism—particularly with respect to your appreciation of our position as it relates to the necessity not to put to the side human rights violations, considerations that we must undertake strong and determined movement on our part, action to bring about the full implementation of these accords, and to highlight these violations.

And I say to highlight them. I think it's the only way we're going to bring about compliance.

And, of course, I have a healthy skepticism as it relates to the agreement myself, and I think you share some of that in terms of those who have made a commitment to live up to them.

I don't believe that we can really count on their enforcement. And I question the sincerity of the Soviets and their Eastern bloc allies in regard to the security agreements.

Nevertheless, I commend you for at least getting them to make these commitments. Whether they keep them, well, that's another matter.

Again, I think it behooves us to make the point that it is difficult for us to expect a nation that continually and systematically violates the rights of its own citizens, will respect our rights as it relates to security agreements and any other agreements. These accords sometimes seem meaningless to them.

And that's the concern that the broad body of this Commission has and the many Members of the Congress. And I know it's a concern of yours as well.

I've been advised Congressman Hoyer, the Cochairman, is on his way here.

I know he has some questions to put to you.

How is your time schedule?

Ambassador BARRY. I'm completely in your hands, Mr. Chairman.

Chairman D'AMATO. That's a dangerous thing to say, Mr. Ambassador.

Ambassador BARRY. I'm sure you have more time pressure on you than I at this point.

Chairman D'AMATO. I will then ask that we take an adjournment for 5 minutes.

I'm sure the Cochairman will be here by then.

So, we'll stand in recess for 5 minutes.

Ambassador BARRY. If I may, Mr. Chairman, simply thank you, and the Commission, and the Commission staff for the support you provided to me and my delegation over the past 3 years.

It has been very valuable to us.

Chairman D'AMATO. That's very kind of you, Mr. Ambassador.

And we wish you continued success. And I think you understand the nuances. We certainly are not unappreciative of your time, and your effort, and the fact that we have come back with an agreement that could be an historic breakthrough.

Now, of course, we'll have to—have to wait and see its terms are fully implemented.

All right. We stand in recess for 5 minutes.

[Whereupon, a brief break was taken off the record at 10:48 a.m.]

[10:55 a.m. reconvenes.]

STATEMENT OF COCHAIRMAN HOYER

Cochairman HOYER. We'll reconvene the hearing.

I first want to apologize, Mr. Ambassador for my being late.

As you know, we're in the last 3, 9, or 21 days of the session, depending on which tactician you speak to at any given time.

In any event, I have had the opportunity to review your statement.

I understand Senator D'Amato asked a number of questions.

I also had the opportunity of meeting with some of the people that were with you in Stockholm—Suzanne Parry I see behind you—and your deputy Mr. Hansen the other day.

I would like to ask a number of questions related to the posture that the United States now finds itself in as a result of the security agreement that was reached in Stockholm.

First of all—and you may have answered this question—what ramifications do you see as a result of the signing in Vienna? What's going to follow as a result of the adoption of an agreement, the only agreement that has been reached in the past 2 years in the Helsinki process?

What effect is that going to have on us?

Ambassador BARRY. Well, first of all, may I give you a tactical suggestion that I bring from Stockholm?

What we do there, when we're running into the end of the session, is to stop the clock.

So, perhaps the Congress could try our system and then be able to continue indefinitely until the end of the summer.

Cochairman HOYER. You know, when I was at Annapolis in the State senate for 12 years, initially you could do that. Then the courts told us, "no, you couldn't do that." The Constitution said you had 90 days, and that didn't mean 90 days plus hours that you didn't count on a clock.

Mr. Ambassador, you have been in Stockholm. But I know you hadn't been there that long to know that if the Congress stopped the clock, it wouldn't really make any difference, unfortunately.

Ambassador BARRY. Well, on the question of the ramifications for Vienna, it seems to me that ramification No. 1 is implementation. And by that, I mean implementation of the Stockholm document, but also, very much so, implementation in the other areas of the CSCE process.

And our aim is to make that an intensive, extended discussion of implementation, which would cover not just documents that did or didn't get signed, but performance. Because I think that especially in the areas of human rights and human contacts it is progress in performance that we're interested in, more than what is written into a document, which is often very general and does not result in action.

So, it seems to me that that is going to be the major ramification.

It is true that having had a successful negotiation in one area and unsuccessful performance and meetings that did not result in documents in other areas creates an imbalance in the CSCE process. And it is true that we have to right that imbalance.

And it seems to me that a major way of righting the imbalance is by insisting that the balance be restored by positive action in the other fields.

Cochairman HOYER. What was the feeling of the allies, as we signed that document in Stockholm, with reference to that issue?

In other words, as the consensus grew for the signing of the document in Stockholm, was there also a consensus that there was an imbalance between security now and the human rights basket and that that needed to be addressed and redressed?

Ambassador BARRY. Yes, I think that was the general sense of the allies. And you could find that in the speech that was made by the Norwegian representative on behalf of the 16 at the concluding session. You could also find it in the statements made by many of the individual heads of delegation at the end of the Conference.

Many of these people will be going on to head their delegations in Vienna. And I think they will come to that meeting with a sense that success in Stockholm should lead to more success in other areas of the CSCE process.

In other words, it gives us a point of leverage for what I would call positive linkage.

Cochairman HOYER. In addition to that issue in March—you testified that the 16 NATO nations were united in their determination that the Stockholm Conference not lead to a permanent security forum.

What do you now believe with respect to that consensus?

Ambassador BARRY. Well, I believe my prediction was accurate.

In fact, I think that the allied interest in any kind of permanent security forum or consultative mechanism was largely a matter of negotiability. That is, they thought that somehow or other this would make inspection more palatable to the Soviet Union.

As it turned out, the Soviet Union was quite ready to accept inspection without any of the consultative mechanism that it had earlier insisted on.

I think this took all the wind out of the issue of permanent consultative mechanisms as far as the Conference was concerned.

I must say that the neutrals and nonaligned, who were advocates of the consultative process also, lost interest in it as it became clear this was not necessary as a precondition for or accompanying measure to the question of onsite inspection.

Cochairman HOYER. Let me go on to a slightly different tack, because you mentioned the onsite inspection.

I understand that there was a possibility that the onsite inspection could have been accomplished on neutral airplanes or other transportation modes, overseen and perhaps operated by neutral countries.

But I understand that there was a leak from the White House, presumably, reflected in a New York Times story of September 17, 1986, just as you were about to enter the final hours of negotiation, which said "that we were prepared to buy or agree to the inspection being conducted on Soviet aircraft."

Would you comment on that, particularly as to the effect that it had in undermining our ability to get what, in my opinion and I think the Commission's opinion, would have been a much preferable option of the neutral transportation modes?

Ambassador BARRY. Well, first of all, yes, this leak certainly was damaging.

I have no idea where it came from. The options are much broader than you mentioned.

But the fact of the matter was that it came at a critical time during the negotiations, and it had an immediate and visible effect on the other side, as you would expect.

If you can read the other person's instructions in the newspaper, it saves you a lot of trouble.

As to the question of whether we could have achieved the ability to use neutral aircraft in an inspection regime had this not leaked? I have to honestly say I don't think that's probably true. I think we could have perhaps gotten better conditions in other areas. But I don't really think that it would have probably swung this particular issue to the other direction.

We had been negotiating on this. We had been bringing a lot of pressure to bear from the neutrals and from the allies.

A couple of days before that the reaction of the other side had stiffened. We were still trying. But I can't say that this leak then destroyed our ability to do this.

I think that by then this was the last 3 days of the negotiation, that the East was planning to run the clock out on that proposal, that is to refuse to draft on it until the last day of the Conference, which would have meant that it automatically fell off the table.

So, yes, it did, I think, hurt our negotiating position. After all, leaks usually do. But I don't think it can be said to have made it impossible to get this neutral aircraft option.

Cochairman HOYER. Well, not only have I had a hearing, but we now have a vote in the House.

Mr. Ambassador, because I've got to go a far piece to vote, we're going to have to adjourn. However, I've got a number of questions.

What I would like to do, Mr. Ambassador, is two things.

First of all, I'd like to submit some additional questions which I would appreciate your responding to for the record.

And then, at some point in time, I would very much like to spend some time with you pursuing this further.

Again, I apologize that I am unable to spend more time with you this morning.

It is my own belief that the work that you did in Stockholm was very productive on the one hand. And that is to say that a document was arrived at which was certainly an incremental step forward in terms of security in the European theater.

At the same time, I share the concern of many of you who are involved in that process, particularly when we note that a provision regarding human rights language, which was agreed to, as I understand, by the allies and the neutrals, was ultimately not included in the final document, that the Soviet intention and objective is to obfuscate and to diminish the importance of the human rights component of the CSCE process. While the good news is that we reached agreement that perhaps adds to international security, the bad news is that we have given the Soviets an opportunity to try to focus the attention of our European allies more exclusively on security than we believe is in the best interest of the Helsinki process, or is good policy for our Nation.

So, I am interested in pursuing that with you and to get your input.

I would also hope that the State Department is including you, Ambassador Hansen, and others from Stockholm in the planning process for Vienna.

I think it is critical that the United States and its allies have an understood policy as to what our objectives are in Vienna, specifically what we're going to ask for as it relates to performance, and specifically what the ramifications will be for us and our allies if performance is not forthcoming.

I think that was not present, in my opinion, to the extent that it should have been in some of the other forums in which we have participated.

And because of the importance of Vienna, particularly at this time in history when we see an awful lot of initiatives by the Soviets, some of which are responded to by our own country, such as the meeting to occur in 2 weeks in Iceland, all of which will lend a lot of momentum to the security aspects of East-West relations.

We do not want that to override or to in any way diminish our effectiveness on behalf of human rights for so many millions of people who need the West to be in the forefront of trying to enhance their rights, which, after all, was one of the principle objectives that the West had in signing the Helsinki Final Act.

Thank you, Mr. Barry.

Ambassador BARRY. Well, thank you.

If I may just say——

Cochairman HOYER. Certainly.

Ambassador BARRY [continuing]. A couple of very brief things.

First of all, I very much appreciated, and I know all of us did, your support throughout the negotiations.

And I've already said we appreciated the contribution made by the Commission staff to what we were doing over these years. We think we work well together.

And, second, yes we did not get all we wanted. But we did get, I think, good language on human rights in the document.

It wasn't as good as perhaps we would have liked.

But we did succeed in getting human rights in there in a fashion in which I think will provide us with the ability to make this essential link between human rights and security issues, that you cannot have a security regime that ignores the human rights dimension, which has been something that this administration has stressed in its approach to the Stockholm Conference throughout the 3 years that it was going on.

Cochairman HOYER. Thank you, sir.

[Whereupon, the hearing was adjourned at 11:10 a.m.]

APPENDIX 1

CSCE/SC.9

DOCUMENT OF THE STOCKHOLM CONFERENCE

on Confidence- and Security-Building Measures and Disarmament in Europe convened in accordance with the relevant provisions of the Concluding Document of the Madrid Meeting of the Conference on Security and Co-operation in Europe

(1) The representatives of the participating States of the Conference on Security and Co-operation in Europe (CSCE), Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Yugoslavia, met in Stockholm from 17 January 1984 to 19 September 1986, in accordance with the provisions relating to the Conference on Confidence- and Security-Building Measures and Disarmament in Europe contained in the Concluding Document of the Madrid Follow-up Meeting of the CSCE.

(2) The participants were addressed by the Prime Minister of Sweden, the late Olof Palme, on 17 January 1984.

(3) Opening statements were made by the Ministers of Foreign Affairs and other Heads of Delegation. The Prime Minister of Spain as well as Ministers and senior officials of several other participating States addressed the Conference later. The Minister for Foreign Affairs of Sweden addressed the Conference on 19 September 1986.

(4) The Secretary-General of the United Nations addressed the Conference on 6 July 1984.

(5) Contributions were made by the following non-participating Mediterranean States: Algeria, Egypt, Israel, Lebanon, Libya, Morocco, Syria and Tunisia.

(6) The participating States recalled that the aim of the Conference on Confidence- and Security-Building Measures and Disarmament in Europe is, as a substantial and integral part of the multilateral process initiated by the Conference on Security and Co-operation in Europe, to undertake, in stages, new, effective and concrete actions designed to make progress in strengthening confidence and security and in achieving disarmament, so as to give effect and expression to the duty of States to refrain from the threat or use of force in their mutual relations as well as in their international relations in general.

(7) The participating States recognized that the set of mutually complementary confidence- and security-building measures which are adopted in the present document and which are in accordance with the Madrid mandate serve by their scope and nature and by their implementation to strengthen confidence and security in Europe and thus to give effect and expression to the duty of States to refrain from the threat or use of force.

(8) Consequently the participating States have declared the following:

REFRAINING FROM THE THREAT OR USE OF FORCE

(9) The participating States, recalling their obligation to refrain, in their mutual relations as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, accordingly reaffirm their commitment to respect and put into practice the principle of refraining from the threat or use of force, as laid down in the Final Act.

(10) No consideration may be invoked to serve to warrant resort to the threat or use of force in contravention of this principle.

(11) They recall the inherent right of individual or collective self-defence if an armed attack occurs, as set forth in the Charter of the United Nations.

(12) They will refrain from any manifestation of force for the purpose of inducing any other State to renounce the full exercise of its sovereign rights.

(13) As set forth in the Final Act, no occupation or acquisition of territory resulting from the threat or use of force in contravention of international law, will be recognized as legal.

(14) They recognize their commitment to peace and security. Accordingly they reaffirm that they will refrain from any use of armed forces inconsistent with the purposes and principles of the Charter of the United Nations and the provisions of the Declaration on Principles Guiding Relations between Participating States, against another participating State, in particular from invasion of or attack on its territory.

(15) They will abide by their commitment to refrain from the threat or use of force in their relations with any State, regardless of that State's political, social, economic or cultural system and irrespective of whether or not they maintain with that State relations of alliance.

(16) They stress that non-compliance with the obligation of refraining from the threat or use of force, as recalled above, constitutes a violation of international law.

(17) They stress their commitment to the principle of peaceful settlement of disputes as contained in the Final Act, convinced that it is an essential complement to the duty of States to refrain from the threat or use of force, both being essential factors for the maintenance and consolidation of peace and security. They recall their determination and the necessity to reinforce and to improve the methods at their disposal for the peaceful settlement of disputes. They reaffirm their resolve to make every effort to settle exclusively by peaceful means any dispute between them.

(18) The participating States stress their commitment to the Final Act and the need for full implementation of all its provisions, which will further the process of improving security and developing co-operation in Europe, thereby contributing to international peace and security in the world as a whole.

(19) They emphasize their commitment to all the principles of the Declaration on Principles Guiding Relations between Participating States and declare their determination to respect and put them into practice irrespective of their political, economic or social systems as well as of their size, geographical location or level of economic development.

(20) All these ten principles are of primary significance and, accordingly, they will be equally and unreservedly applied, each of them being interpreted taking into account the others.

(21) Respect for and the application of these principles will enhance the development of friendly relations and co-operation among the participating States in all fields covered by the provisions of the Final Act.

(22) They reconfirm their commitment to the basic principle of the sovereign equality of States and stress that all States have equal rights and duties

(23) They reaffirm the universal significance of human rights and fundamental freedoms. Respect for and the effective exercise of these rights and freedoms are essential factors for international peace, justice and security, as well as for the development of friendly relations and co-operation among themselves as among all States, as set forth in the Declaration on Principles Guiding Relations between Participating States.

(24) They reaffirm that, in the broader context of world security, security in Europe is closely linked with security in the Mediterranean area as a whole; in this context, they confirm their intention to develop good neighbourly relations with all States in the region, with due regard to reciprocity, and in the spirit of the principles contained in the Declaration on Principles Guiding Relations between Participating States, so as to promote confidence and security and make peace prevail in the region in accordance with the provisions contained in the Mediterranean chapter of the Final Act.

(25) They emphasize the necessity to take resolute measures to prevent and to combat terrorism, including terrorism in international relations. They express their determination to take effective measures, both at the national level and through international co-operation, for the prevention and suppression of all acts of terrorism. They will take all appropriate measures in preventing their respective territories from being used for the preparation, organization or commission of terrorist activities. This also includes measures to prohibit on their territories illegal activities, including subversive activities, of persons, groups and organizations that instigate, organize or engage in the perpetration of acts of terrorism, including those directed against other States and their citizens.

(26) They will fulfil in good faith their obligations under international law; they also stress that strict compliance with their commitments within the framework of the CSCE is essential for building confidence and security.

(27) The participating States confirm that in the event of a conflict between the obligations of the members of the United Nations under the Charter of the United Nations and their obligations under any treaty or other international agreement, their obligations under the Charter will prevail, in accordance with Article 103 of the Charter of the United Nations.

(28) The participating States have adopted the following measures:

PRIOR NOTIFICATION OF CERTAIN MILITARY ACTIVITIES

(29) The participating States will give notification in writing through diplomatic channels in an agreed form of content, to all other participating States 42 days or more in advance of the start of notifiable* military activities in the zone of application for confidence- and security-building measures (CSBMs).**

(30) Notification will be given by the participating State on whose territory the activity in question is planned to take place even if the forces of that State are not engaged in the activity or their strength is below the notifiable level. This will not relieve other participating States of their obligation to give notification, if their involvement in the planned military activity reaches the notifiable level.

(31) Each of the following military activities in the field conducted as a single activity in the zone of application for CSBMs at or above the levels defined below, will be notified:

(31.1) The engagement of formations of land forces*** of the participating States in the same exercise activity conducted under a single operational command independently or in combination with any possible air or naval components.

(31.1.1) This military activity will be subject to notification whenever it involves at any time during the activity:

- at least 13,000 troops, including support troops, or
- at least 300 battle tanks

if organized into a divisional structure or at least two brigades/regiments, not necessarily subordinate to the same division.

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* In this document, the term notifiable means subject to notification.

** See Annex I.

*** In this context, the term land forces includes amphibious, airmobile and airborne forces.

(31.1.2) The participation of air forces of the participating States will be included in the notification if it is foreseen that in the course of the activity 200 or more sorties by aircraft, excluding helicopters, will be flown.

(31.2) The engagement of military forces either in an amphibious landing or in a parachute assault by airborne forces in the zone of application for CSBMs.

(31.2.1) These military activities will be subject to notification whenever the amphibious landing involves at least 3,000 troops or whenever the parachute drop involves at least 3,000 troops.

(31.3) The engagement of formations of land forces of the participating States in a transfer from outside the zone of application for CSBMs to arrival points in the zone, or from inside the zone of application for CSBMs to points of concentration in the zone, to participate in a notifiable exercise activity or to be concentrated.

(31.3.1) The arrival or concentration of these forces will be subject to notification whenever it involves, at any time during the activity:

- at least 13,000 troops, including support troops, or
- at least 300 battle tanks

if organized into a divisional structure or at least two brigades/regiments, not necessarily subordinate to the same division.

(31.3.2) Forces which have been transferred into the zone will be subject to all provisions of agreed CSBMs when they depart their arrival points to participate in a notifiable exercise activity or to be concentrated within the zone of application for CSBMs.

(32) Notifiable military activities carried out without advance notice to the troops involved, are exceptions to the requirement for prior notification to be made 42 days in advance.

(32.1) Notification of such activities, above the agreed thresholds, will be given at the time the troops involved commence such activities.

(33) Notification will be given in writing of each notifiable military activity in the following agreed form:

(34) A - General Information

(34.1) The designation of the military activity;

(34.2) The general purpose of the military activity;

(34.3) The names of the States involved in the military activity;

(34.4) The level of command, organizing and commanding the military activity;

(34.5) The start and end dates of the military activity.

(35) B - Information on different types of notifiable military activities

(35.1) The engagement of land forces of the participating States in the same exercise activity conducted under a single operational command independently or in combination with any possible air or naval components:

(35.1.1) The total number of troops taking part in the military activity (i.e., ground troops, amphibious troops, airmobile and airborne troops) and the number of troops participating for each State involved, if applicable;

(35.1.2) Number and type of divisions participating for each State;

(35.1.3) The total number of battle tanks for each State and the total number of anti-tank guided missile launchers mounted on armoured vehicles;

(35.1.4) The total number of artillery pieces and multiple rocket launchers (100 mm calibre or above);

(35.1.5) The total number of helicopters, by category;

(35.1.6) Envisaged number of sorties by aircraft, excluding helicopters;

(35.1.7) Purpose of air missions;

(35.1.8) Categories of aircraft involved;

(35.1.9) The level of command, organizing and commanding the air force participation;

(35.1.10) Naval ship-to-shore gunfire;

(35.1.11) Indication of other naval ship-to-shore support;

(35.1.12) The level of command, organizing and commanding the naval force participation.

(35.2) The engagement of military forces either in an amphibious landing or in a parachute assault by airborne forces in the zone of application for CSBMs:

(35.2.1) The total number of amphibious troops involved in notifiable amphibious landings, and/or the total number of airborne troops involved in notifiable parachute assaults;

(35.2.2) In the case of a notifiable amphibious landing, the point or points of embarkation, if in the zone of application for CSBMs.

(35.3) The engagement of formations of land forces of the participating States in a transfer from outside the zone of application for CSBMs to arrival points in the zone, or from inside the zone of application for CSBMs to points of concentration in the zone, to participate in a notifiable exercise activity or to be concentrated:

(35.3.1) The total number of troops transferred;

(35.3.3) Number and type of divisions participating in the transfer;

(35.3.4) The total number of battle tanks participating in a notifiable arrival or concentration;

(35.3.4) Geographical co-ordinates for the points of arrival and for the points of concentration.

(36) C - The envisaged area and timeframe of the activity

(36.1) The area of the military activity delimited by geographic features together with geographic co-ordinates, as appropriate;

(36.2) The start and end dates of each phase (transfers, deployment, concentration of forces, active exercise phase, recovery phase) of activities in the zone of application for CSBMs of participating formations, the tactical purpose and corresponding geographical areas (delimited by geographical co-ordinates) for each phase;

(36.3) Brief description of each phase.

(37) D - Other information

(37.1) Changes, if any, in relation to information provided in the annual calendar regarding the activity;

(37.2) Relationship of the activity to other notifiable activities.

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OBSERVATION OF CERTAIN MILITARY ACTIVITIES

(38) The participating States will invite observers from all other participating States to the following notifiable military activities:

(38.1) - The engagement of formations of land forces* of the participating States in the same exercise activity conducted under a single operational command independently or in combination with any possible air or naval components.

(38.2) - The engagement of military forces either in an amphibious landing or in a parachute assault by airborne forces in the zone of application for CSBMs.

(38.3) - In the case of the engagement of formations of land forces of the participating States in a transfer from outside the zone of application for CSBMs to arrival points in the zone, or from inside the zone of application for CSBMs to points of concentration in the zone, to participate in a notifiable exercise activity or to be concentrated, the concentration of these forces. Forces which have been transferred into the zone will be subject to all provisions of agreed confidence- and security-building measures when they depart their arrival points to participate in a notifiable exercise activity or to be concentrated within the zone of application for CSBMs.

(38.4) The above-mentioned activities will be subject to observation whenever the number of troops engaged meets or exceeds 17,000 troops, except in the case of either an amphibious landing or a parachute assault by airborne forces, which will be subject to observation whenever the number of troops engaged meets or exceeds 5,000 troops.

(39) The host State will extend the invitations in writing through diplomatic channels to all other participating States at the time of notification. The host State will be the participating State on whose territory the notified activity will take place.

(40) The host State may delegate some of its responsibilities as host to another participating State engaged in the military activity on the territory of the host State. In such cases, the host State will specify the allocation of responsibilities in its invitation to observe the activity.

(41) Each participating State may send up to two observers to the military activity to be observed.

(42) The invited State may decide whether to send military and/or civilian observers, including members of its personnel accredited to the host State. Military observers will, normally, wear their uniforms and insignia while performing their tasks.

(43) Replies to the invitation will be given in writing not later than 21 days after the issue of the invitation.

(44) The participating States accepting an invitation will provide the names and ranks of their observers in their reply to the invitation. If the invitation is not accepted in time, it will be assumed that no observers will be sent.

(45) Together with the invitation the host State will provide a general observation programme, including the following information:

(45.1) - the date, time and place of assembly of observers;

(45.2) - planned duration of the observation programme;

(45.3) - languages to be used in interpretation and/or translation;

(45.4) - arrangements for board, lodging and transportation of the observers;

(45.5) - arrangements for observation equipment which will be issued to the observers by the host State;

(45.6) - possible authorization by the host State of the use of special equipment that the observers may bring with them;

(45.7) - arrangements for special clothing to be issued to the observers because of weather or environmental factors.

(46) The observers may make requests with regard to the observation programme. The host State will, if possible, accede to them.

(47) The host State will determine a duration of observation which permits the observers to observe a notifiable military activity from the time that agreed thresholds for observation are met or exceeded until, for the last time during the activity, the thresholds for observation are no longer met.

(48) The host State will provide the observers with transportation to the area of the notified activity and back. This transportation will be provided from either the capital or another suitable location to be announced in the invitation, so that the observers are in position before the start of the observation programme.

(49) The invited State will cover the travel expenses for its observers to the capital, or another suitable location specified in the invitation, of the host State, and back.

(50) The observers will be provided equal treatment and offered equal opportunities to carry out their functions.

(51) The observers will be granted, during their mission, the privileges and immunities accorded to diplomatic agents in the Vienna Convention on Diplomatic Relations.

(52) The host State will not be required to permit observation of restricted locations, installations or defence sites.

(53) In order to allow the observers to confirm that the notified activity is non-threatening in character and that it is carried out in conformity with the appropriate provisions of the notification, the host State will:

(53.1) - at the commencement of the observation programme give a briefing on the purpose, the basic situation, the phases of the activity and possible changes as compared with the notification and provide the observers with a map of the area of the military activity with a scale of 1 to not more than 500,000 and an observation programme with a daily schedule as well as a sketch indicating the basic situation;

(53.2) - provide the observers with appropriate observation equipment; however, the observers will be allowed to use their personal binoculars, which will be subject to examination and approval by the host State;

(53.3) - in the course of the observation programme give the observers daily briefings with the help of maps on the various phases of the military activity and their development and inform the observers about their positions geographically; in the case of a land force activity conducted in combination with air or naval components, briefings will be given by representatives of these forces;

(53.4) - provide opportunities to observe directly forces of the State/States engaged in the military activity so that the observers get an impression of the flow of the activity; to this end, the observers will be given the opportunity to observe major combat units of the participating formations of a divisional or equivalent level and, whenever possible, to visit some units and communicate with commanders and troops; commanders or other senior personnel of participating formations as well as of the visited units will inform the observers of the mission of their respective units;

(53.5) - guide the observers in the area of the military activity; the observers will follow the instructions issued by the host State in accordance with the provisions set out in this document;

(53.6) - provide the observers with appropriate means of transportation in the area of the military activity;

(53.7) - provide the observers with opportunities for timely communication with their embassies or other official missions and consular posts; the host State is not obligated to cover the communication expenses of the observers;

(53.8) - provide the observers with appropriate board and lodging in a location suitable for carrying out the observation programme and, when necessary, medical care.

(54) The participating States need not invite observers to notifiable military activities which are carried out without advance notice to the troops involved unless these notifiable activities have a duration of more than 72 hours. The continuation of these activities beyond this time will be subject to observation while the agreed thresholds for observation are met or exceeded. The observation programme will follow as closely as practically possible all the provisions for observation set out in this document.

ANNUAL CALENDARS

(55) Each participating State will exchange, with all other participating States, an annual calendar of its military activities subject to prior notification*, within the zone of application for CSBMs, forecast for the subsequent calendar year. It will be transmitted every year, in writing, through diplomatic channels, not later than 15 November for the following year.

(56) Each participating State will list the above-mentioned activities chronologically and will provide information on each activity in accordance with the following model:

(56.1) - type of military activity and its designation;

(56.2) - general characteristics and purpose of the military activity;

(56.3) - States involved in the military activity;

(56.4) - area of the military activity, indicated by appropriate geographic features and/or defined by geographic co-ordinates;

(56.5) - planned duration of the military activity and the 14-day period, indicated by dates, within which it is envisaged to start;

(56.6) - the envisaged total number of troops* engaged in the military activity;

(56.7) - the types of armed forces involved in the military activity;

(56.8) - the envisaged level of command, under which the military activity will take place;

(56.9) - the number and type of divisions whose participation in the military activity is envisaged;

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* as defined in the provisions on Prior Notification of Certain Military Activities.

(56.10) - any additional information concerning, inter alia, components of armed forces, which the participating State planning the military activity considers relevant.

(57) Should changes regarding the military activities in the annual calendar prove necessary, they will be communicated to all other participating States no later than in the appropriate notification.

(58) Information on military activities subject to prior notification not included in an annual calendar will be communicated to all participating States as soon as possible, in accordance with the model provided in the annual calendar.

CONSTRAINING PROVISIONS

(59) Each participating State will communicate, in writing, to all other participating States, by 15 November each year, information concerning military activities subject to prior notification* involving more than 40,000 troops*, which it plans to carry out in the second subsequent calendar year. Such communication will include preliminary information on each activity, as to its general purpose, timeframe and duration, area, size and States involved.

(60) Participating States will not carry out military activities subject to prior notification involving more than 75,000 troops, unless they have been the object of communication as defined above.

(61) Participating States will not carry out military activities subject to prior notification involving more than 40,000 troops unless they have been included in the annual calendar, not later than 15 November each year.

(62) If military activities subject to prior notification are carried out in addition to those contained in the annual calendar, they should be as few as possible.

COMPLIANCE AND VERIFICATION

(63) According to the Madrid Mandate, the confidence- and security-building measures to be agreed upon "will be provided with adequate forms of verification which correspond to their content."

(64) The participating States recognize that national technical means can play a role in monitoring compliance with agreed confidence- and security-building measures.

(65) In accordance with the provisions contained in this document each participating State has the right to conduct inspections on the territory of any other participating State within the zone of application for CSBMs.

(66) Any participating State will be allowed to address a request for inspection to another participating State on whose territory, within the zone of application for CSBMs, compliance with the agreed confidence- and security-building measures is in doubt.

(67) No participating State will be obliged to accept on its territory within the zone of application for CSBMs, more than three inspections per calendar year.

(68) No participating State will be obliged to accept more than one inspection per calendar year from the same participating State.

(69) An inspection will not be counted if, due to force majeure, it cannot be carried out.

(70) The participating State which requests an inspection will state the reasons for such a request.

(71) The participating State which has received such a request will reply in the affirmative to the request within the agreed period of time, subject to the provisions contained in paragraphs (67 and 68).

(72) Any possible dispute as to the validity of the reasons for a request will not prevent or delay the conduct of an inspection.

(73) The participating State which requests an inspection will be permitted to designate for inspection on the territory of another State within the zone of application for CSBMs, a specific area. Such an area will be referred to as the "specified area". The specified area will comprise terrain where notifiable military activities are conducted or where another participating State believes a notifiable military activity is taking place. The specified area will be defined and limited by the scope and scale of notifiable military activities but will not exceed that required for an army level military activity.

(74) In the specified area the representatives of the inspecting State accompanied by the representatives of the receiving State will be permitted access, entry and unobstructed survey, except for areas or sensitive points to which access is normally denied or restricted, military and other defence installations, as well as naval vessels, military vehicles and aircraft. The number and extent of the restricted areas should be as limited as possible. Areas where notifiable military activities can take place will not be declared restricted areas, except for certain permanent or temporary military installations which, in territorial terms, should be as small as possible, and consequently those areas will not be used to prevent inspection of notifiable military activities. Restricted areas will not be employed in a way inconsistent with the agreed provisions on inspection.

(75) Within the specified area, the forces of participating States other than the receiving State will also be subject to the inspection conducted by the inspecting State.

(76) Inspection will be permitted on the ground, from the air, or both.

(77) The representatives of the receiving State will accompany the inspection team, including when it is in land vehicles and an aircraft from the time of their first employment until the time they are no longer in use for the purposes of inspection.

(78) In its request, the inspecting State will notify the receiving State of:

(78.1) - the reasons for the request;

(78.2) - the location of the specified area defined by geographical co-ordinates;

(78.3) - the preferred point(s) of entry for the inspection team;

(78.4) - mode of transport to and from the point(s) of entry and, if applicable, to and from the specified area;

(78.5) - where in the specified area the inspection will begin;

(78.6) - whether the inspection will be conducted from the ground, from the air, or both simultaneously;

(78.7) - whether aerial inspection will be conducted using an airplane, a helicopter, or both;

(78.8) - whether the inspection team will use land vehicles provided by the receiving State or, if mutually agreed, its own vehicles;

(78.9) - information for the issuance of diplomatic visas to inspectors entering the receiving State.

(79) The reply to the request will be given in the shortest possible period of time, but within not more than twenty-four hours. Within thirty-six hours after the issuance of the request, the inspection team will be permitted to enter the territory of the receiving State.

(80) Any request for inspection as well as the reply thereto will be communicated to all participating States without delay.

(81) The receiving State should designate the point(s) of entry as close as possible to the specified area. The receiving State will ensure that the inspection team will be able to reach the specified area without delay from the point(s) of entry.

(82) All participating States will facilitate the passage of the inspection teams through their territory.

(83) Within 48 hours after the arrival of the inspection team at the specified area, the inspection will be terminated.

(84) There will be no more than four inspectors in an inspection team. While conducting the inspection the inspection team may divide into two parts.

(85) The inspectors and, if applicable, auxiliary personnel, will be granted during their mission the privileges and immunities in accordance with the Vienna Convention on Diplomatic Relations.

(86) The receiving State will provide the inspection team with appropriate board and lodging in a location suitable for carrying out the inspection, and, when necessary, medical care; however this does not exclude the use by the inspection team of its own tents and rations.

(87) The inspection team will have use of its own maps, own photo cameras, own binoculars and own dictaphones, as well as own aeronautical charts.

(88) The inspection team will have access to appropriate telecommunications equipment of the receiving State, including the opportunity for continuous

communication between the members of an inspection team in an aircraft and those in a land vehicle employed in the inspection.

(89) The inspecting State will specify whether aerial inspection will be conducted using an airplane, a helicopter or both. Aircraft for inspection will be chosen by mutual agreement between the inspecting and receiving States. Aircraft will be chosen which provide the inspection team a continuous view of the ground during the inspection.

(90) After the flight plan, specifying, inter alia, the inspection team's choice of flight path, speed and altitude in the specified area, has been filed with the competent air traffic control authority the inspection aircraft will be permitted to enter the specified area without delay. Within the specified area, the inspection team will, at its request, be permitted to deviate from the approved flight plan to make specific observations provided such deviation is consistent with paragraph (74) as well as flight safety and air traffic requirements. Directions to the crew will be given through a representative of the receiving State on board the aircraft involved in the inspection.

(91) One member of the inspection team will be permitted, if such a request is made, at any time to observe data on navigational equipment of the aircraft and to have access to maps and charts used by the flight crew for the purpose of determining the exact location of the aircraft during the inspection flight.

(92) Aerial and ground inspectors may return to the specified area as often as desired within the 48-hour inspection period.

(93) The receiving State will provide for inspection purposes land vehicles with cross country capability. Whenever mutually agreed taking into account the specific geography relating to the area to be inspected, the inspecting State will be permitted to use its own vehicles.

(94) If land vehicles or aircraft are provided by the inspecting State, there will be one accompanying driver for each land vehicle, or accompanying aircraft crew.

(95) The inspecting State will prepare a report of its inspection and will provide a copy of that report to all participating States without delay.

(96) The inspection expenses will be incurred by the receiving State except when the inspecting State uses its own aircraft and/or land vehicles. The travel expenses to and from the point(s) of entry will be borne by the inspecting State.

(97) Diplomatic channels will be used for communications concerning compliance and verification.

(98) Each participating State will be entitled to obtain timely clarification from any other participating State concerning the application of agreed confidence- and security-building measures. Communications in this context will, if appropriate, be transmitted to all other participating States.

* * *

(99) The participating States stress that these confidence- and security-building measures are designed to reduce the dangers of armed conflict and of misunderstanding or miscalculation of military activities and emphasize that their implementation will contribute to these objectives.

(100) Reaffirming the relevant objectives of the Final Act, the participating States are determined to continue building confidence, to lessen military confrontation and to enhance security for all. They are also determined to achieve progress in disarmament.

(101) The measures adopted in this document are politically binding and will come into force on 1 January 1987.

(102) The Government of Sweden is requested to transmit the present document to the follow-up meeting of the CSCE in Vienna and to the Secretary-General of the United Nations. The Government of Sweden is also requested to transmit the present document to the Governments of the non-participating Mediterranean States.

(103) The text of this document will be published in each participating State, which will disseminate it and make it known as widely as possible.

(104) The representatives of the participating States express their profound gratitude to the Government and people of Sweden for the excellent arrangements made for the Stockholm Conference and the warm hospitality extended to the delegations which participated in the Conference.

Stockholm, 19 September 1986

Under the terms of the Madrid mandate, the zone of application for CSBMs is defined as follows:

"On the basis of equality of rights, balance and reciprocity, equal respect for the security interests of all CSCE participating States, and of their respective obligations concerning confidence- and security-building measures and disarmament in Europe, these confidence- and security-building measures will cover the whole of Europe as well as the adjoining sea area* and air space. They will be of military significance and politically binding and will be provided with adequate forms of verification which correspond to their content.

As far as the adjoining sea area* and air space is concerned, the measures will be applicable to the military activities of all the participating States taking place there whenever these activities affect security in Europe as well as constitute a part of activities taking place within the whole of Europe as referred to above, which they will agree to notify. Necessary specifications will be made through the negotiations on the confidence- and security-building measures at the Conference.

Nothing in the definition of the zone given above will diminish obligations already undertaken under the Final Act. The confidence- and security-building measures to be agreed upon at the Conference will also be applicable in all areas covered by any of the provisions in the Final Act relating to confidence-building measures and certain aspects of security and disarmament.

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*In this context, the notion of adjoining sea area is understood to refer also to ocean areas adjoining Europe."

Wherever the term "the zone of application for CSBMs" is used in this document, the above definition will apply.

CHAIRMAN'S STATEMENT

It is understood that, taking into account the agreed date of entry into force of the agreed confidence- and security-building measures and the provisions contained in them concerning the timeframes of certain advance notifications, and expressing their interest in an early transition to the full implementation of the provisions of this document, the participating States agree to the following:

The annual calendars concerning military activities subject to prior notification and forecast for 1987 will be exchanged not later than 15 December 1986.

Communications, in accordance with agreed provisions, concerning military activities involving more than 40,000 troops planned for the calendar year 1988 will be exchanged by 15 December 1986. Participating States may undertake activities involving more than 75,000 troops during the calendar year 1987 provided that they are included in the annual calendar exchanged by 15 December 1986.

Activities to begin during the first 42 days after 1 January 1987 will be subject to the relevant provisions of the Final Act of the CSCE. However, the participating States will make every effort to apply to them the provisions of this document to the maximum extent possible.

This statement will be an annex to the Document of the Stockholm Conference and will be published with it.

Stockholm, 19 September 1986 .

CSCE/SC.9
ANNEX III

CHAIRMAN'S STATEMENT

It is understood that each participating State can raise any question consistent with the mandate of the Conference on Confidence- and Security-Building Measures and Disarmament in Europe at any stage subsequent to the Vienna CSCE Follow-up Meeting.

This statement will be an annex to the Document of the Stockholm Conference and will be published with it.

Stockholm, 19 September 1986

CSCE/SC.9
ANNEX IV

CHAIRMAN'S STATEMENT

It is understood that the participating States recall that they have the right to belong or not to belong to international organizations, to be or not to be a party to bilateral or multilateral treaties including the right to be or not to be a party to treaties of alliance; they also have the right of neutrality. In this context, they will not take advantage of these rights to circumvent the purposes of the system of inspection, and in particular the provision that no participating State will be obliged to accept on its territory within the zone of application for CSBMs, more than three inspections per calendar year.

Appropriate understandings between participating States on this subject will be expressed in interpretative statements to be included in the journal of the day.

This statement will be an annex to the Document of the Stockholm Conference and will be published with it.

Stockholm, 19 September 1986

APPENDIX 2

United States Department of State

Washington, D.C. 20520

November 21, 1986

The Honorable
Alfonse D'Amato, Chairman,
Commission on Security and Cooperation
In Europe
Congress of the United States
Washington, D.C. 20515

Dear Mr. Chairman:

I appreciate your kind letter of October 3, commenting on the Stockholm Document and the U.S. Delegation's efforts in negotiating it.

I agree that the concept of challenge inspection without the right of refusal which was agreed to in Stockholm will be important, if faithfully implemented. Of course inspection of an arms reduction agreement would have to be more demanding.

Enclosed are answers to the questions which you asked. Please let me know if I can provide further clarification. I would also be glad to meet with you if you want to discuss any of these issues further in person.

With best regards,

Sincerely,

Robert L. Barry

Enclosure:

Questions and Answers
Regarding Stockholm Conference

cc: The Honorable Steny H. Hoyer
CoChairman

QUESTIONS FOR AMBASSADOR BARRY

1. BALANCE

Q. Security is one aspect of the Helsinki process: what impact will the adoption of an agreement at Stockholm have on the process as a whole?

A. The adoption of the Stockholm document gives us the opportunity to press for improved Eastern performance on Principle 7 and Basket III issues -- human rights and human contacts -- in order to maintain the necessary balance of progress in all CSCE areas. This will be the goal of the U.S. Delegation to the Vienna CSCE Review Conference.

Q. We hear a lot about balance within the CSCE process and the need to preserve that balance. Based upon your experience, what is the depth of our allies' commitment to balance in the process?

A. I believe that the allies fully share this commitment to balance. This was certainly the view expressed by allied delegations in Stockholm and in our consultations with them in preparation for the Vienna Review Conference.

Q. In your Worldnet interview you talked about the "need to bring some kind of balance to the system." How should this be done?

A. First and foremost, we need to focus on compliance with the Final Act during the opening stage of the Vienna Conference and press the need for greatly improved Eastern performance. We need to make it clear that any follow-on to the CDE after Vienna must be balanced by progress in other areas. We and our allies have no interest in continuing a CSCE process dominated by security issues.

2. NATO ALLIANCE

Q. What role did alliance unity play in Stockholm in general, and in the final outcome in particular?

A. I believe that the alliance held together exceptionally well throughout the Stockholm Conference and that this was the major reasen that we obtained a satisfactory outcome. The Soviet goal throught the negotiations was to isolate us from our allies; they failed in this.

Q. In your statement you talk about the positive communications between Western capitals. Isn't it true that the East has established similar links to Western capitals? If so, what is the effect of this upon U.S. negotiations strategy, particularly in terms of security issues?

A. The East in general and the Soviets in particular consulted with our allies during the Stockholm Conference just as we and our allies consulted with Warsaw Pact states. There was no occasion when I felt that our allies departed from agreed NATO positions in their discussions with the East. In terms of U.S. strategy for multilateral negotiations we can sometimes make use of planned Soviet consultations with our allies to put forward agreed new NATO positions.

3. HUMAN RIGHTS

Q. You refer to CDE as an integral part of a broader process. Isn't it true that the CDE is threatening to overshadow the other areas of the process, particularly human rights?

A. I do not believe so; in my view the Vienna Review Conference will successfully focus world attention on other aspects of the process, particularly human rights.

Q. Could you compare the human rights language contained in the Western and NNA documents with that contained in the final document? Both proposals refer to the role of human rights in terms of the CSCE process. Why wasn't this important language incorporated into the final document?

A. The passage on human rights in the final Stockholm document reads: "They reaffirm the universal significance of human rights and fundamental freedoms. Respect for and the effective exercise of these rights and freedoms are essential factors for international peace, justice and security, as well as for the development of friendly relations and cooperation among themselves as among all states, as set forth in the Declaration of Principles Guiding Relations Between Participating States." In our view, this formulation is better than that included in the original NNA text on this subject, and covers the same essential point as the NATO proposal, i.e., that human rights is an essential factor in security and in the CSCE process.

Q. Isn't it ironic that the Soviets have agreed to allow on-site inspection of Soviet military activities conducted on its

territory, while there are 39 Helsinki monitors imprisoned in the Soviet Union?

A. Yes. It is our hope that concentrated U.S. and allied as well as neutral and nonaligned pressure will gain the release of the Helsinki monitors as it produced Soviet agreement on inspection.

Q. You mention the serious effort to "build a more secure future in Europe." Where does human rights fit into this process?

A. As President Reagan has said on a number of occasions, our concept of security is one which includes human rights. Unless the rights of the individual are respected, we do not believe that Europe will become more secure.

4. LINKAGE

Q. What impact, if any, did the U.S. decision to withhold consensus on the document produced in Bern have on negotiations in Stockholm?

A. As a negotiator, I felt that our action in Bern made my threats to walk away from an unsatisfactory document in Stockholm more credible. I made it clear from the outset that we would never accept a "mini-package" of insignificant and unverifiable measures; instead we would withhold consensus from the document. After Bern I think everyone believed me and this contributed to the final, successful result.

5. CDE AGREEMENT

Q. What provisions of the Stockholm Document would you consider to be "militarily significant" as called for by the CDE mandate?

A. I consider the package of CSBMs, taken as a whole, to be militarily significant. Of particular note are the provisions on annual forecasts of military activities and inspection. Taken together they enable all European states to distinguish between routine and non-routine activities and to see for themselves what is going on if there are doubts about compliance. I also think it significant that the provisions on notification and observation will produce much more information about the East's military activities, and that the measures apply

throughout all of Europe up to the Urals, not just a 250-km band of Soviet territory as was the case with Helsinki CSBMs.

Q. In March you made it clear that the Soviets went to Stockholm "to keep the CDE going as a security forum." Has this basic Soviet objective changed?

A. No. In fact the Soviets want to expand the role of the CDE to have it consider conventional arms reductions as well as CSBMs.

Q. Under terms of the CDE mandate the measures adopted in Stockholm are to be "politically binding." Would you please explain the significance of this term?

A. The Stockholm document is not a treaty and therefore its provisions are not legally binding. However, as the mandate provides, the CSBMs are politically binding which means that all participants have made solemn undertakings to comply. In the event of non-compliance there are two remedies: inspection and suspension of obligations.

Q. Two serious Soviet violations of the security provisions of the Final Act took place during 1981, a period of increased tension in Poland. One of these involved more than 100,000 troops. What was the U.S. reaction to these violations at the time?

A. The Soviets did not provide notification of ZAPAD-81, a military exercise involving 100,000 troops which took place in September 1981. When we raised the issue with the Soviets they claimed that it was not subject to notification because it took place outside the 250-km zone of the USSR covered by the Helsinki Final Act. The U.S. formally protested the lack of notification as inconsistent with the Final Act. We also protested smaller exercises earlier in the year as evident means of using military exercises for purposes of political intimidation..

Q. You have said that the political price associated with violations has been raised. It seems as though the Soviets were willing to pay the price in 1981. What would prevent them from doing the same today?

A. Nothing. My point is that the price has been raised, not that the Soviets won't pay it. In 1981 there were some prices the Soviets were not willing to pay; by their calculation

invasion was evidently thought to be too costly. In some future situation CSBMs may affect Soviet decision-making at the margin; it would be naive to assume that they will change the nature of the Soviet system.

Q. You have indicated that there are loopholes in the document. Would you care to comment further?

A. One example would be the specific exception for advance notification of alert activities, i.e., exercises or movements called without advance notice to participating troops. The West sought this exception to permit the kind of readiness training required to protect against surprise attack.

Q. Under terms of the Stockholm Document, it could take as long as 36 hours before an inspection might begin. How long would it take for Soviet troops to move into, say, Budapest or Warsaw?

A. Judging by the experiences of Hungary in 1956, Czechoslovakia in 1968, and Poland in 1980-81, it would take well over 36 hours for the Soviets to prepare a major military move against the population of a Warsaw Pact state. This does not mean that we believe that inspection will prevent such activities in the future, only that it will help deter them.

Q. Are you satisfied that there is sufficient coordination within our own government to monitor the CSBMs adopted in Stockholm? How long would it take to come up with a determination to request an inspection once we had evidence of a violation?

A. The U.S. Government could decide to request an inspection very quickly -- within a few hours. We are setting up procedures to enable us to act in a timely fashion when there are doubts about compliance.

6. FUTURE

Q. During your Worldnet interview you indicated that we should proceed on the issue of conventional arms reductions. The East and West have been involved in the MBFR for 13 years. Would it be in the United States' security interests to have such talks folded into CSCE?

A. We believe that reductions in conventional arms ought to be carried out on an alliance-to-alliance basis, and that negotiations also should be on that basis. More broadly, we do not believe the substantive problems we have faced in 13 years of negotiations in MBFR will go away if the forum is changed. NATO has a major new proposal on the table in the MBFR forum involving troop reductions and verification. We think the East should respond constructively to this proposal in the MBFR forum.

Q. The Soviets have made clear their desire to expand CDE to include the issue of conventional arms reductions. Is CSCE, a 35-nation forum, an appropriate place to discuss arms control of this nature? Would our allies support it? Would the neutrals support it?

A. This is one of the issues under discussion within the high-level task force established by NATO foreign ministers. The neutrals have mixed views on the subject; some do not want to participate because they do not want to submit to any arms reductions themselves. Others would like to participate if invited.

Q. Isn't it true that, under its broad mandate, the CDE has almost taken on a life of its own, nearly independent of the CSCE process?

A. We do not think so. We repeatedly insisted in Stockholm that the CDE is a subordinate part of the CSEC process and that its future can only be determined by a full CSCE review conference such as that now in progress in Vienna. This position was accepted by all participants.

Q. During the 1950s the Soviets sought an all-European security forum. Haven't their objectives remained fairly consistent. Isn't the CDE quickly approaching the conference they sought more than 30 years ago?

A. The Soviet aim has been fairly consistent over the years, but I think the result of the Stockholm Conference shows that they are as far away as ever from accomplishing it. At Stockholm, the Soviets came with a series of shopworn rhetorical proposals such as "reduction of military budgets" and "non-first use of nuclear weapons." They rejected NATO's list of militarily significant CSBMs and said they would never agree to inspection in the Stockholm context. In the end the East reluctantly accepted much of the content of the Western

proposals, including the first challenge inspection provision negotiated in the post WW-II era. It remains to be seen how these provisions are implemented, but it would be very difficult to claim that Stockholm was a victory for Soviet policies. I believe the same can be said for the larger CSCE process, where the West has by and large succeeded in pressing its agenda on the East.

November 20, 1986

APPENDIX 3

United States Department of State

Washington, D.C. 20520

AUG 2[illegible] 1989

Dear Mr. Chairman:

Following the Commission's hearing at which Under Secretary Armacost and Ambassador Barry testified, you and Chairman D'Amato submitted several questions that time did not permit you to cover during the course of the hearing. Enclosed you will find the answers to those questions.

The Department hopes that the hearing as well as the supplemental questions and answers will help deepen the dialogue between us as we prepare for the Vienna Follow-up Meeting of the Conference on Security and Cooperation in Europe.

Sincerely,

Mark Johnson
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

The Honorable
Steny Hoyer, Co-Chairman,
Commission on Security and Cooperation in Europe,
House of Representatives.

FOLLOW-UP QUESTIONS FROM THE COMMISSION TO AMBASSADOR BARRY

1. Mr. Ambassador, it is our understanding that the Soviets and some of their East Bloc allies have not been in full compliance with original Helsinki Final Act provisions on notifications. For instance, in the cases on military exercises such as the one in 1981 called "ZAPAD-81" (in response to the rise of Solidarity in Poland) and "DRUZHBA-85" (involving USSR and Czechoslovak troops), there was no prior notification as required. What enforcement measures are being considered in current negotiations in cases of non-compliance?

A. Like the Helsinki Final Act, a Stockholm CSBM agreement would not be a treaty and would not be legally binding. No "enforcement measures" would be available. However we want the measures decided upon in Stockholm to be mandatory, not voluntary and we seek verification mechanisms which would exact a political price for non-compliance.

2. What has been the East Bloc record on inviting observers to military exercises, as prescribed in the Helsinki Final Act?

A. The invitation of observers under the Helsinki Final Act is voluntary, not mandatory. But in many cases, the Eastern record is poor. Observers have been invited to less than half of the notified exercises.

3. Mr. Ambassador, under the Madrid Mandate for the Stockholm CDE it states that "The provisions established by the negotiators will come into force in the forms and according to the procedures to be agreed upon by the Conference." Does it mean that an agreement established by Stockholm could be put into effect without approval of the Vienna Review Meeting? Could the Stockholm negotiators agree to go into a Phase 1-B, or a CDE-II, or another form of disarmament meeting without it first being agreed upon in Vienna or at a further review meeting?

A. We are continuing to consider the ramifications of the Madrid Mandate on procedures for the adoption and implementation of measures to be agreed in Stockholm. The mandate calls on Stockholm to adopt CSBMs; Vienna will review whatever decisions are made in Stockholm and consider the entire question of implementation. The U.S. attitude on this question will be decided, in close consultation with our Allies, on the basis of our national interest. Much will depend on the content of the measures themselves and our interest in maintaining balance in all areas of the CSCE.

In our view the Stockholm CDE cannot decide on whether, or how, CDE can be continued. Only Vienna can decide such questions.

4. What U.S. interests are served by proceeding to the next (presumably) disarmament phase?

A. The NATO Alliance is currently engaged in a study to determine how best to negotiate greater transparency in Europe and a stable balance of forces at lower levels. That study will address the question of what form best serves Western objectives for negotiating reductions and limitations of forces. One of the fundamental criteria against which we will measure our approach will be the principal of balance in the CSCE process.

5. To what degree are we being led by our concern for Western unity to accept an agreement at CDE that may contain less than the current NATO package?

A. I do not believe that either the U.S. or any of our Alliance partners expected the entire NATO package to survive the negotiation intact, but to date NATO has held together very well and has effectively promoted all of our measures.

6. What concessions are we prepared to make to have a CDE agreement?

A. The NATO proposal in Stockholm is entirely consistent with the mandate of the conference and we are not prepared to accept any outcome which does not meet that requirement. At the same time, we are fully prepared to work with our NATO Allies, the Neutral and Non-aligned, and the East to find other solutions consistent with the conference's mandate and our security requirements.

7. If NATO were to achieve acceptance of all its current proposals at Stockholm, would there be an incremental increase in security in Europe?

A. Yes, I believe that a result in Stockholm along the lines of the NATO package would, over time, lead to an incremental increase in security in Europe. It would establish a practical confidence-building regime which should make the European military situation more predictable and stable. Such a set of rules regulating the military behavior of European States

should lead to increased openness and better understanding about the intentions behind military activities which take place on the continent, therefore making it easier to distinguish between the routine and the threatening. This, in turn, should make the use of military force for political intimidation more difficult and politically costly and thus help reduce the risk of military confrontation in Europe.

8. If we were to achieve a reasonable agreement on exchanging observers, how can we be sure that none of our observers will be shot and killed, as in the case of Major Arthur Nicholson, who was killed by a Soviet soldier in East Germany last year while he was serving as a U.S. observer under treaty?

A. Such an incident would do irreparable damage to the image the Soviets are trying to craft for themselves in CDE as a responsible European partner. It should be remembered that the observation proposals on the table at Stockholm require observers to be invited from all the participating states. They would likely travel together during an observation program. I believe that the Soviets would be extremely careful to avoid any incidents directed at observers, either by design or accident, in the presence of witnesses from other Western and neutral countries.

9. What are the military payoffs in the CDE for the Soviets?

A. The Soviets view the CDE primarily in political rather than military terms. Their long-term objective in Europe is to have a voice in NATO defense decision making and to affect Western, and in particular U.S., military activities in Europe without having their own activities affected by Stockholm CSBM's. Since they will not achieve this end and since they want the CDE to continue, the Soviets will have to accept an agreement which increases openness vis-a-vis their military activities.

10. Recently, General Secretary Gorbachev suggested that the Soviet Union might be willing to accept on-site inspection in arms control measures. Have the Soviets accepted the principle of on-site inspection or "challenge verification" of the CSBMs being discussed at Stockholm?

A. To date the Soviets have not accepted on-site inspection in Stockholm. They have interpreted the Gorbachev Statement to only apply to arms control and disarmament agreements and have

argued that on-site inspection is not "appropriate" for CSBM's. However, I think the Soviets really want an agreement and will accept our on-site inspection requirements in the end. We have made our position clear that without such a measure there will be no CSBM regime.

11. If we do not secure "on-demand on-site" inspection as a part of any CDE agreement, how confident will you be of our ability to verify any confidence and security building measures we may agree to?

A. We believe inspection is essential to verify compliance, primarily because this is the only verification measure accessible to all 35 participating states. For the US, national technical means will also play a role in verification.

12. Would a CDE agreement without this form of verification have any military utility, or would Soviet deception techniques be able to undercut it?

A. International deception techniques can defeat all forms of verification including inspections. However we believe a pattern of intentional deception would be evident and would carry with it a substantial political cost.

13. Would the U.S. accept an agreement without an adequate verification provision? What is the bottom line for us on verification?

A. As we have said repeatedly, adequate verification provisions will be essential. For us, the only adequate form of verification is inspection.

14. One of the issues under discussion at Stockholm presently is "constraints" (the number of troops and/or military hardware that can take part in military exercises). Given the overwhelming superiority of Warsaw Pact troops and non-nuclear hardware over NATO forces in Europe, don't constraints present a serious danger to the United States' ability to help defend our NATO allies in a crisis situation? What is the United States' position on these proposed constraints?

A. The U.S. and its NATO allies insist that, in accordance with the mandate, we will consider only those constraints which affect the security interests of each participating state equally. The West has searched long and hard for such a constraint, so far without success. The U.S. position is that the NNA and Eastern constraints on the size and duration of exercises clearly discriminate against NATO which, for a number

of reasons, conducts larger defensive training exercises than do the other groups represented at the Stockholm conference. Since NATO exercises are purely defensive in nature, we don't believe that limiting their size or duration would enhance security. In fact it could undermine NATO's ability to defend itself. Accordingly, we will not accept such measures. At the same time, an annual forecast measure can have a constraining effect on unscheduled military activities and we are looking at ways to strengthen this measure.

FOLLOWUP: Could you assess the impact of the constraints measures (such as the neutral and nonaligned proposal that no individual military maneuver can exceed five times -- 50,000 troops -- the notifiable level, and its duration cannot exceed 17 days) upon Warsaw Pact attack options?

A: First, the NNA constraints proposal does not provide a specific number for a ceiling. Instead it ties such a ceiling to the notification threshold. The 50,000 figure you mention presumes that a notification threshold of 10,000. No agreement has been reached yet at Stockholm regarding this threshold. We do know that as a rule Warsaw Pact exercises do not involve 50,000 troops or last 17 days. Thus, their routine training practices would probably not be affected by such a proposal. We have opposed the NNA constraint proposal on grounds that it is inequitable.

15. The Soviets and their allies have been trying to include "independent air and naval exercises" in a proposed notification regime within the CDE. Weren't these exercises excluded by the Madrid Mandate for CDE? What has been the NATO response? The neutral and nonaligned response? What happens if the Soviets continue to press for notification of independent air and naval maneuvers near Europe?

A. Yes, they were excluded. According to the Madrid mandate, CSBMs, including notification, would apply to activities in the whole of Europe, i.e., ground force activities. The Madrid mandate also stipulates that air and naval activities which are functionally related to notifiable ground force activities would be included in a Stockholm CSBM's regime. Thus, independent naval activities and independent air activities are clearly outside the mandate of the Conference and NATO has been categorical in its refusal to consider them. For the most part, the NNA understand NATO's approach and agree that independent naval exercises and independent air activities

outside the zone of application are outside the scope of the Stockholm Conference. Their attitudes toward air activities are less clear and there is more variation within the NNA group on this subject.

16. Originally the Soviets had proposed other "declaratory" measures along with the "non-use of force" treaty such as establishing "nuclear weapons-free zones," "chemical weapons free-zones," and a pledge for "reduction of military budgets." Given the closed nature of Soviet society and the events in Afghanistan, were these proposals taken seriously at the conference? Is there a possibility that the Soviets will bring them back up later this year for leverage against NATO and neutral proposals?

A: The original Soviet "declaratory" proposals found no resonance at the conference; they were clearly outside the mandate of the conference, e.g, they were inherently unverifiable, and were seen by the West and the Neutral and Nonaligned as propagandistic. In fact, these proposals were not even mentioned in the Soviet draft non-use of force treaty (SC.6) and were not included in the informal agreement setting up substantive working groups.

17. In your handling of the CDE talks in Stockholm, have you taken into account the fact that CDE is an integral part of the Helsinki process, not a free-standing multilateral negotiation? How have you taken into account Soviet attitudes and behavior at other CSCE meetings, specifically Ottawa and Budapest?

A. The U.S. Delegation in both its public statements and private contacts continually makes the point that the CDE is an integral part of the Helsinki process, not a free-standing multilateral negotiation. I firmly believe that there must be balanced progress in all Helsinki baskets. The Soviet attitude and behavior in the CSCE meetings such as Ottawa and Budapest certainly has an effect on other CSCE meetings, including the St ckholm conference. I often make this point with my Soviet counterpart and in the Conference. At the same time, it is my responsibility to negotiate a militarily significant, verifiable accord which advances U.S. and Western security interests. It will be up to the Vienna follow-up meeting to judge the progress in each of the baskets and then determine the future of each part of the CSCE process, including the future of the security component of CSCE.

18. In your experience at Stockholm, have the other NATO and Western nations supported the idea of balance -- that, in the words of the Madrid Concluding Document, all signatory states are committed to "balanced progress in all aspects of the Final Act?" How do the Allies at CDE view the balance in the context of the CDE negotiations?

A. All our NATO Allies and many of our neutral friends have supported the idea of balanced progress in all aspects of the CSCE Process. Even the East pays lip service to this objective. There is no allied dissent from the position that the security aspects of CSCE are just one component in a process that must be balanced to remain viable.

19. How many times has the U.S. delegation publicly raised specific human rights cases at the CDE?

A. While the primary objective of the CDE is to negotiate politically binding, militarily significant, verifiable CSBMs applicable to Europe, the U.S. delegation has always maintained that progress -- or lack thereof -- in other Helsinki baskets will affect our work in Stockholm. Accordingly, we have periodically raised human rights cases at the CDE -- sometimes in private, sometimes in public. For example, we criticized Soviet treatment of Dr. Sakharov and the murder of Major Nicholson in Berlin in CDE plenary sessions.

20. Do you believe the idea of including human rights in the text of one of the items under discussion at CDE is enough, assuming the Soviets and their Warsaw Pact allies accept this approach, to achieve "balance" in CSCE, if CDE is the only post-Madrid subsidiary meeting to produce a concrete, politically binding agreement?

A. As President Reagan stated in January of this year: "The Stockholm Conference can contribute to security in the larger sense, that which encompasses political, economic, cultural, and humanitarian matters --human rights -- as well as strictly military matters." This objective is an integral part of the US approach to the Stockholm Conference. In introducing Western language on the non-use of force commitment, NATO introduced this broader concept of security, including human rights, into the discussion. At the same time, it is my view -- and the view of the mandate -- that militarily significant and verifiable confidence and security measures should form the operational heart of any accord emerging from Stockholm.

21. Since there has been virtually no progress in the human rights dimension of CSCE since the end of the Madrid Meeting in September, 1984, please state the reasons there are for the U.S. to sign on to a CDE agreement before the Vienna Review Conference.

A. The U.S. attitude on the question of adoption and implementation of CSBM's agreed upon in Stockholm will be decided, in close consultation with our allies, on the basis of our national interest. Much will depend on the content of the measures themselves. The Madrid mandate provides that the Stockholm Conference should "adopt" CSBMs. The Vienna Conference is to review the Stockholm decisions and the entire CSCE process. Our interests are in maintaining balance in all areas of CSCE and in implementation which serve to increase the transparency of military activities in Europe.

FOLLOW-UP QUESTIONS FROM SENATOR HUMPHREY
FOR UNDER SECRETARY ARMACOST

1. The Helsinki Follow-up meetings provide an excellent opportunity to raise the issue of the Soviet occupation of Afghanistan and the flagrant human rights and security violations being carried out there, why have these issues not been raised more vocally at these meetings?

-- Shouldn't our policy on this issue include raising the question of Afghanistan and the outrageous human rights violations taking place there at every available international forum?

A: The Soviet Union's war on the Afghan people clearly flies in the face of a number of CSCE commitments. We have never been bashful about saying so in every appropriate CSCE forum. Afghanistan, in fact, was the primary focus of the first session of the Madrid Follow-up Meeting.

But some CSCE meetings, including some of the more recent experts' meetings, have been dedicated to internal problems. We believe it would have detracted from our goals at these meetings to bring up outside issues. In Vienna, we will again have the opportunity to raise Soviet conduct in Afghanistan. You may rest assured that we will do so.

2.: What is the commitment of this Administration to assisting the Afghans in telling their story to the world. As you know the Soviet Ambassador to Pakistan indicated that all Western Journalists entering Afghanistan would be killed, this obviously discourages coverage and helps the Soviets keep their activities from the world, what is our policy to counter this effort?

A.: There is clearly a need for greater press coverage of the war in Afghanistan. The U.S. Information Agency has begun implementing an action plan which fulfills a Congressional mandate "to promote an independent Afghan media service and provide for training of Afghans in media-related fields." The project will facilitate the collection, development, and distribution of credible, objective, and timely news stories, photographs, and television images about developments in Afghanistan in an effort to overcome the substantial obstacles encountered by media representatives in bringing the story to world attention.

In addition, the Administration has made concerted efforts to keep the issue of Afghanistan center stage of US and world public opinion through the publication and mass distribution of analyses and reports on Afghanistan as well as through major speeches and regular television appearances on the subject. These efforts have been focussed on, but not limited to, two major public relations campaigns centered on December 27, the anniversary of the Soviet invasion and on March 21, Afghanistan Day.

3. Over the course of the past year and especially since the Reagan-Gorbachev Summit, the Soviets have significantly improved the quality of their weaponry and the quality of their fighting troops. In this same period they have stepped up their talk of peace with the U.N. sponsored negotiations. Doesn't the U.S. offer to guarantee the settlement that results from these negotiations and the maintenance of an Embassy in Kabul only give credibility to the Soviets rhetoric which is being totally contradicted by the activities on the ground?

A.: We agreed, in writing, to serve in "an appropriate guarantor's role" in the context of a comprehensive and balanced settlement to prevent further allegations or purported excuses put forth by the Soviet Union for refusing to discuss the withdrawal of their troops. In fact, our written commitment did contribute to bringing attention to Soviet inflexibility.

Our decision to lend support to a comprehensive agreement is conditioned on our full satisfaction that the settlement will result in the prompt and complete withdrawal of Soviet troops and its simultaneous implementation with the other elements of the agreement. We have not written a blank check.

U.S. policy with regard to the negotiations remains clear: We will not be party to an agreement which enables the Soviet Union to achieve at the negotiating table what they have not been able to achieve on the battlefield, namely the subjugation of the Afghan people.

Regarding our Mission in Kabul, it serves as a valuable listening post for what is happening inside the country, cut off as it is from access by the media. We have no Ambassador

there and a skeletal staff of 20; our relations with the regime are limited to necessary administrative and consular business. We have never recognized the Kabul regime; our limited diplomatic presence in Kabul does not imply recognition or approval.

4. At the time of the invasion of Afghanistan a number of sanctions were imposed expressing our position on that invasion, since that time, the human rights violations and the virtual genocide of that country has taken place, yet the Commerce Secretary travels to Moscow to establish new commercial relationships, likewise the Agriculture Secretary, and business as usual or better has resumed. In this atmosphere how do we expect the Soviets to believe that we find their actions in Afghanistan unacceptable?

A. Our goal in Afghanistan has remained constant: Soviet withdrawal. To that end, we have sought to exert steadily increasing pressure to raise the costs to the Soviets of their aggression. On the political side, public awareness and governmental concern over Afghanistan continues to rise, contrary to Soviet expectations that the world would quickly forget.

The sanctions imposed by the Carter Administration after the invasion were designed to demonstrate our opposition to the act and to show that aggression would not be without costs. Our ability to respond quickly in ways which were immediately relevant to the situation created in the region by the Soviet move was limited. So we did what we could.

Since 1981, the U.S. has been at the forefront of opposition to the invasion. And our opposition has been registered in increasingly significant ways:

--We have remained a leader in assembling increasingly lop-sided votes against the Soviet presence in Afghanistan in the U.N. and other fora, working effectively with a variety of Islamic and nonaligned states;

--We have given support to the efforts of the U.N. Secretary General's Special Representative on Afghanistan to broker a political settlement which would ensure Soviet withdrawal from that country;

--We have provided significant military assistance to Pakistan to deter further Soviet adventurism in the region;

--And our support for the freedom fighters has never been in doubt.

As these policies have been implemented, some sanctions imposed immediately after the invasion of Afghanistan have assumed less significance both in absolute and in symbolic terms.

Where it has clearly been in our interests to do so, therefore, we have been prepared to selectively reverse certain post-invasion measures.

I would note that there has been virtually no suggestion internationally that these steps have somehow signaled a diminution of our commitment to oppose Soviet intervention in Afghanistan.

The diplomatic and other means we have used in the past several years to bring home to the Soviets the futility of their Afghanistan policy have made abundantly clear to all, including the Soviets, that that is far from the case.

5.: As you know, the Congress authorized two programs, an Afghan Media Project and a Humanitarian Aid Program for the Afghans last year. These programs have not however, been implemented as yet, what are the prospects for expediting these programs in light of the pressing need for them?

A. Both the humanitarian assistance program and the Afghan media project are moving forward.

We have obligated all of the $8 million appropriated or re-programmed in FY 1985 for high priority programs for disaster relief and medical and food aid; implementation is well underway. We will have programmed all of the almost $15 million available for FY 86 by the end of this summer for a number of worthy projects in health, education, and commodity supplies of benefit to war affected Afghans. Activities are already underway through private voluntary agencies.

The Media project is also progressing. We have identified the participating U.S. contractors and are working with the government of Pakistan to determine final arrangements. While awaiting government of Pakistan approval, USIA media specialists have traveled to Pakistan to assist existing Afghan information groups in their efforts to promote the Afghan story.

FOLLOW-UP QUESTIONS FROM THE COMMISSION TO
UNDERSECTRTARY ARMACOST

1. Given the prominence and attention focused upon the human rights issues within the CSCE and the formation of monitoring groups in the U.S.S.R. following the signing of the Final Act, how do you believe the Soviets see the process progressing?

A: Soviet authorities are aware of the considerable damage done to their international reputation as a result of CSCE focus on Soviet human rights violations. They have opposed and will continue to oppose practical measures to improve human rights compliance among the participating states. They have also only reluctantly agreed to human rights experts meetings, and then also only as a quid pro quo for security-related meetings. We expect that the Soviets will continue to press security issues at the CSCE Follow-up Meeting in Vienna.

2. How does the State Department view the balance between "quiet diplomacy" and a frank and direct review of Soviet and East European violations, including naming names and discussing specific cases, both as a policy in CSCE and as a general policy?

A: In his meeting with Gorbachev in Geneva, the President committed himself to trying to resolve humanitarian cases through "quiet diplomacy." That commitment was motivated by the President's desire to see if this approach might yield results. If there is no improvement in the past record of disappointment, we will adjust the policy accordingly.

That same motivation, to try new approaches but to judge them by results, will guide our decisions on how to approach these issues in CSCE meetings. When we believe it might have some effect on the resolution of cases of interest to us, the U.S. delegates to these meetings will cite individual cases. But we will refrain from doing so if we judge that citing a particular individual's name might harm rather than help that individual's prospects.

As far as the balance between public and private diplomacy goes, there is no real dividing line between the two approaches. At some times and in some places we will judge private diplomacy to be more effective than a public approach.

FOLLOWUP: What effect, if any, does the "new atmosphere" in U.S.-Soviet relations have upon that balance and what will be the U.S. approach at Vienna?

A: The Soviets have sent mixed signals in the time since the Geneva Summit. In the period immediately surrounding the summit, a number of human rights cases of interest to the U.S. were resolved. Anatoliy Shcharanskiy was released in early February and a large number of human rights cases were resolved in the final hours of the Bern meeting. However, Jewish emigration remains at rock bottom levels. And there has been no discernible improvement in treatment of its own citizens by the Soviet Union.

Despite the lack of recent progress, we are not giving up on "quiet diplomacy." But our patience is not inexhaustible.

Our goal in Vienna, as at other CSCE meetings, will be to make concrete progress, through the resolution of individual cases, increased emigration, and improved respect for civil and political rights. If "quiet diplomacy" holds the greatest prospect for progress, then that will characterize our approach. Our approach at Vienna will depend on the atmosphere prevailing in November and the progress or lack of it between now and then.

3. Due to its regional dominance and the extent and seriousness of the human rights violations it commits, the Soviet Union tends to be the principal subject of human rights criticism by the Western countries at CSCE meetings. Many feel that Eastern Europe has nevertheless been the most affected by CSCE and it is there that offers the greatest hope of change. Are we paying adequate attention to the East European countries, particularly in raising human rights concerns?

A: We agree the one of the most important features of CSCE has been that it has given the non-Soviet Eastern European countries a forum in which, although under a watchful Soviet eye, they can pursue their own individual interests. We have sought to encourage this by using the CSCE process to resolve individual human rights cases with these countries. We have often found that quiet bilateral approaches have yielded results. We have pursued that approach in dealing with some Eastern European governments at Bern, as at Ottawa and Budapest, with concrete, if limited, success.

4. Most Americans know about the arms control talks in Geneva which are focused upon and reported by the press with a great deal of frequency. CSCE, on the other hand, is known primarily to a small group of Americans and rarely if ever receives press. Yet, CSCE, containing provisions on a wide range of topics of concern in East-West relations, could be considered a "blue print" for true security and cooperation in Europe. Why, in your opinion, does it not receive the prominence of arms control talks in the American press? Is this a reflection of U.S. policy?

A: It is hard to judge what strikes the mind of the media as more or less newsworthy. In Europe, for example, the CSCE process and U.S. policy toward that process command greater media attention than in the U.S. The NST talks in Geneva, it is true, garner greater television time and more newspaper inches than CSCE both in Europe and in the U.S.

This difference in media coverage is not a reflection of U.S. policy. We believe it is important that the American people know our goals in CSCE, and the possibilities and limitations that the process holds. As we prepare for Vienna, we plan to ensure that major media outlets know about our policy for Vienna and our expectations for the meeting. We will be seeking your help in this process as well. Your constituent newsletters and your public statements offer a prime opportunity to bring home the centrality of the issues in CSCE to the American people.

5. Is the arms race the real difficulty in East-West relations from which all other difficulties flow, or are there political, cultural and historical differences between East and West which in turn cause the arms race? If the essential difficulties are political, historical and cultural, and the military difficulties have simply sprung from them, should not the CSCE, which deals with these real differences and difficulties, play a much larger role than it currently is in U.S. policy toward the Soviet Union and its Warsaw Pact allies?

A: Political, cultural and historical differences have fostered mutual mistrust and contributed to the arms build up and insecurity in Europe. Addressing regional and human rights issues -- which we do both in CSCE and bilaterally -- stems from that realization. But it is not an either/or situation. We need to address all aspects of East-West relations. We do sometimes deal with them separately; but we never deal with them in isolation from one another.

Our East-West policy is multi-faceted. And CSCE, as a multi-faceted forum, has made an important contribution to our implementation of that policy. As we approach Vienna, we will be more fully exploiting the possibilities of CSCE. But we also have to rely on a strong bilateral foreign policy, buttressed by a strong Alliance, to carry that burden.

6. In your statement, you talk about "balance" in general terms. Chairman D'Amato made the point in his opening statement that balance means roughly equivalent progress in implementing the various provisions of the Final Act or, when certain provisions are not implemented, successful pursuit of a policy to impose equivalent, visible political costs on those signatory states not in compliance with their obligations. Does your view differ with this view and, if so, how? Please explain how the Department of State defines the term "balance" in the context of U.S. CSCE policy.

A: Our emphasis on balance stems from the original conception of CSCE. The Helsinki process is an historic attempt to deal comprehensively with the interrelated problems of mutual security, economic relations, contacts between the peoples of the East and the West, and standards of international conduct. In our policy toward the CSCE process, we have sought to take account of these interrelationships and to encourage progress in the implementation of all provisions of the Final Act. But as I said in my statement, balance is not a mechanical concept. It is unrealistic to posit a fixed linkage between security and human rights. The challenge of the Vienna Follow-up Meeting will be to review implementation and to seek agreement on balanced steps forward.

7. At your level, please explain how the Department coordinates its policy on the various aspects of CSCE.

A: At the senior levels of the Department we have sought to give a coordinated approach not only to CSCE, but to all of the aspects of East-West relations encompassed in the three CSCE "baskets."

Overall coordination is the responsibility of the Assistant Secretary for European Affairs, who works closely with the Assistant Secretary for Human Rights and Humanitarian Affairs, the Assistant Secretary for Political-Military Affairs and other concerned bureaus and agencies. She, in turn, reports to

me and the Secretary. To assist the Assistant Secretaries, we have an ad hoc working group on CSCE matters which includes personnel from throughout the government as well as members of the staff of the Commission.

To prepare for the Vienna Follow Up Meeting, we have also created a separate office for the delegation that reports to the Secretary. Warren Zimmermann, the chief of our delegation heads that office.

8. Specifically, how do you take into account Soviet stonewalling and aggressive rhetorical counterattacks at the Ottawa and Budapest meetings in your planning for CDE, Bern, and Vienna?

A: The "stonewalling" you refer to is not a phenomenon peculiar to CSCE. We face it often in our other negotiations with the Soviets. In Vienna, as at other negotiations with the East, we will have to ensure allied unity and exercise our patience. The ten years of CSCE have taught us that this process is not one that will produce quick results.

We have been working hard to create the conditions in East-West relations where the Vienna meeting can be productive. We will be unceasing in those efforts as Vienna draws near.

Rhetorical counterattacks from the Soviets, have brought one dividend: they have legitimized, even from the Soviet perspective, an international interest in the way a government treats its own citizens. We don't believe we have anything to be ashamed of in our social welfare policy; and if the Soviets have anything constructive to say, we're prepared to listen.

9. The Congress and many members of the American public are concerned that a possible CDE agreement may create imbalance within the CSCE process and push human rights and humanitarian considerations, the so-called "difficult issues," aside, turning CSCE into a Basket I exercise on "peace, security, disarmament, etc." Does the Administration see this possibility, and, if so, how does it plan to respond?

A: You have raised a real issue, and one that we have given careful attention and study. In CDE, we sought to do two specific things to ensure balance in the overall CSCE process.

First, we have taken every opportunity to reinforce the Western view that CDE is an integral part of the overall CSCE process. We have, for example, established a calendar for the meeting that fixes an adjournment date for CDE prior to the beginning of the Vienna Follow-up meeting's preparatory conference. Second, we have used this forum to address the interrelationships between human rights and security. The President's statements before each round have emphasized our firm commitment to a CSCE process that addresses the broader aspects of security, that includes human rights and cultural freedom.

The challenge you identify is one we have to take account of in our planning. As we prepare for Vienna, one of our foremost objectives will be to ensure that the process maintains its balance. We plan to do this by taking the initiative in every area. We can't expect to achieve our objectives by pushing on Basket III issues and holding back in Baskets I and II. We will have solid initiatives in all three baskets that grow out of the Western perspective on security cooperation and human rights. This will not be an easy task, but it will be well worth the effort.

10. Isn't it reasonable to conclude that the Soviet strategy at Stockholm is to make some minor military concessions in exchange for large political gains including the emargination or withering of human rights within CSCE and the establishment of a permanent all-Europe disarmament propaganda forum? If the only gain for the Soviet Union and its allies at the Stockholm Conference is on the political side - and they are willing to make significant military concessions for this gain - what is the political price the West will have to pay?

A: The West isn't willing to pay any political "price" for a concluding document in Stockholm. Our objective is to negotiate an accord which serves both the political and security interests of the West. We are not going to trade one side of the equation for the other.

While the Soviet goal is, as you say, to transform CSCE into a forum devoted exclusively to military-security questions, it is a goal they will not reach. Both we and our Allies have maintained since the beginning of CSCE that its genius was in its combination of security, commerce, and human rights. We don't intend to compromise this unique package.

11. What impact would Bern and Stockholm have on Vienna, if CDE produces a recommendation and none is reached at Bern?

A: As Ambassadors Schifter, Stoessel, and Novak said in their testimony before you on the Ottawa, Budapest, and Bern meetings, we do not necessarily judge the value of any CSCE meeting by the written results it produces. We judge them by the practical, concrete improvements in the lives of the people of Eastern Europe. We do not judge these meetings failures because they failed to produce concluding documents.

Without knowing whether Stockholm will produce a concluding document, and what type of document that might be, one can't make a hypothetical judgment about Vienna. But your question raises again the concept of balance. Preservation of balance will be our prime objective in Vienna.

12. If Bern ends without any Soviet commitment to improved compliance with their human rights obligations, what steps should the U.S. take to make certain the Helsinki process does not fall fatally out of balance? Would you attempt to compensate at Stockholm for Soviet intransigence at Bern?

A: The place to redress the imbalance in the CSCE process is Vienna. It is there that we will be able to discuss CSCE in all of its aspects, and evaluate how to maintain balance.

In general, we would not plan to take action in one meeting that would diminish the prospect for advancing Western interest in greater military transparency in Europe in order to retaliate for Soviet obduracy in another forum. At the same time, as the U.S. delegation to the CDE has made clear, the lack of progress in other areas of the Helsinki process will affect the work in Stockholm.

13. Why would it not be prudent to wait until the Vienna meeting to decide on a CDE agreement in order that we could balance it against lack of progress in the human rights area?

A: Stockholm has the mandate to negotiate and adopt CSBMs which reduce the risk of military confrontation in Europe. Vienna's role is to assess what the CDE has achieved and, balancing that against progress in other aspects of CSCE, to decide if and how CDE should be continued.

One can argue that the CSBMs negotiated in Stockholm should not be implemented until Vienna has blessed them. One can also argue that CDE has authority to implement whatever is adopted. We can see advantages to both arguments and we will weigh our decision carefully.

14. If the Soviets come to Vienna with a CDE agreement and a demand to move on to a Conference on Disarmament in Europe Phase II, what counter argument will you have to a Soviet propaganda campaign designed to paint the U.S. and our NATO allies as obstacles to progress for peace?

A: If we arrive in Vienna with a concluding document from CDE, it won't be a Soviet document. It will be a document committing all of the CSCE states to CSBMs which serve the Western interest in greater openness in Europe.

Our readiness to negotiate with the Soviets on disarmament questions is not something we need to be ashamed of. We're negotiating with the Soviets now on chemical weapons, conventional weapons, and nuclear weapons. We have not and will not retreat from any negotiating forum that holds the possibility of real arms control progress.

As a result of the NATO Foreign Minister's meeting at Halifax, the Atlantic Alliance is currently studying how best to negotiate greater transparency and a stable balance of forces in Europe at lower levels. The decisions made by the Alliance on these issues will likely be reflected in Vienna. We believe our position on arms control issues is a strong one.

15. How will you respond to a Soviet effort to use a CDE agreement as a weapon in a "peace offensive" aimed at Western Europe? What thoughts have you given to the role of U.S. public diplomacy in countering such an effort? Given the tendency toward wishful thinking on the part of much of the public and the media where arms control is concerned, how do you plan to blunt such a Soviet peace offensive based on CDE progress?

A: There is no misunderstanding among our Allies, and little among our publics, that even the most far-reaching possible outcome in Stockholm could bring about a real change in the competitive nature of the U.S.-Soviet relationship. The CDE's mandate is not to limit arms but to provide greater transparency so that one can draw ones' own conclusions about the other sides' military intentions.

But in CDE, as in other fora, we have exploited our public diplomacy assets to take our case to the European people. We will continue to do so. The peace movement that was such a pervasive phenomenon only a few years ago, has become dormant. While we do not expect the Soviets to quit trying to sell their good intentions to the European people, with their recent track record, they have a very skeptical customer.

16. Since, at best, the United States will derive only marginal military advantage from a CDE agreement, what political gain is there for the U.S. in such an agreement?

A: Our goals in CDE are modest. We are not trying to control arms or control their deployment. We are trying to increase the transparency in European military practices. And through effective verification of the CSBMs that may result from Stockholm, we hope to provide all the European states, not just the U.S. and the Soviets, with the means to verify compliance with these CSBMs.

A CDE accord would entail other political gains, including raising the cost to the Soviets of using their military to intimidate their allies and improving the ability of Europe's smaller countries to judge Soviet intentions for themselves.

17. On March 24, 1985, Major Arthur Nicholson was slain by a Soviet soldier while serving as a military observer under the terms of the Huebler-Malinin Treaty of 1947. Observation is an important element of the current CDE negotiations. Yet, as of May 24, 1985, the date of the first CDE Plenary in which the U.S. delegation could call attention to the Nicholson incident, it is our understanding that Ambassador Goodby was still awaiting instructions on the issue, and it wasn't <u>until the last moment</u>, and only in a right-of-reply to the Soviet Delegation, that Ambassador Goodby mentioned the Nicholson killing. Could you explain the circumstances behind this decision and its delay in getting to Stockholm?

A: The U.S. responded to the brutal killing of Major Nicholson primarily through the Postsdam headquarters of the U.S. Military Liaison Mission that was established under the terms of the Heubner-Malinin Agreement. But we also responded on a political level, in Washington, in Strasbourg where the President spoke to the European Parliament, and in Stockholm. The President made our position on this question quite clear; there was no confusion on the part of the Soviets at our revulsion to this senseless killing. But the President also

made clear that what the killing of Major Nicholson called for was not a backing away from our task. What was required was the negotiation of genuine, concrete, verifiable confidence building measures.

In providing an instruction to the CDE delegation on how to handle this question, both the Department and the White House wanted to ensure that it was precisely calibrated to reinforce the President's statement in Strasbourg. Use of the right of reply to make a statement on Nicholson only served to highlight our concern that the Stockholm talks produce the type of CSBMs that enhance genuine security in Europe.

18. The public information and public diplomacy efforts of the United States at both the Ottawa and, less so, the Budapest meetings, were largely unsuccessful. While you stressed Ottawa in your prepared statement as an example of the impact of Helsinki human rights diplomacy, the Washington Post did not spend a single column inch of print on the Ottawa meeting. Very little appeared in other U.S. mass media. Coverage of Budapest was better, but largely because of the presence of famous U.S. cultural figures on the delegation. With public knowledge and understanding of the Helsinki process key to continued public acceptance of and support for the process, how can U.S. public diplomacy better sustain and enhance the credibility of the CSCE process? What are you doing to make certain enough emphasis is given to this issue in the formation of the U.S. delegation for Bern and beyond? What steps have you taken to make certain a competent, energetic U.S.I.A. officer is assigned to the CSCE delegations and is given enough support to make certain the word gets out?

A: The issue of public diplomacy -- educating the public about the possibilities of CSCE and its limitations -- is a three-fold process. First, we have a responsibility to keep our most directly interested constituency -- the non-governmental organizations -- apprised of our goals for CSCE and the prospects for individual meetings. Second, we have a responsibility to keep the people of Eastern Europe -- through our USIA offices, VOA, and RFE/RL -- informed of our efforts on their behalf. In these two areas, we have done reasonably well. The NGO press in fact has been complimentary of the Department's public diplomacy program and we know that the word on our CSCE policy has gotten through to Eastern Europe.

It is in the third area -- keeping the secular press and the "man on the street" informed -- that our record can stand

improvement. Beginning in the early summer, we will be meeting with the editorial boards of the major newspapers and with the NGO press to brief them on our approach to Vienna. This will give us a good foundation, but it will not be enough. We will need to follow this up, as Vienna draws near, with greater emphasis on individual stories highlighting the relationship of CSCE and the Vienna meeting to our efforts to improve human rights practices in the East. We would also ask the Commission's help in this regard. Your constituent newsletters represent an untapped source of public diplomacy for CSCE. We would urge you in your public statements and in your statements on the floors of both houses of Congress to include references to the CSCE process whenever possible. And we would appreciate your suggestions and your assistance in putting our public diplomacy policy into practice.

19. The Commission has heard repeated testimony on the necessity for public delegates at CSCE meetings. Yet, State Department people were extremely reluctant to consider public delegates for the Bern meeting, a meeting in which the non-governmental organizations have very great interest. How do you view the participation of public delegates in smaller experts meetings in the Helsinki process?

A: We have always sought to canvass the knowledge and perspective of non-governmental organizations when developing the US approach to both large and small CSCE meetings. In determining whether to ask private Americans to become members of our delegation, we have had to consider each one of these experts' meetings individually. In general it has been the structure of the meeting, not the subject matter, which has been the determining factor.

In Budapest, for example, we had a large number of private Americans on our delegation. But in Bern, where we had a distinguished private American leading the delegation, we did not believe it appropriate to invite a large number of private citizens to become official members of the delegation. We did, however, have one advisor to the delegation from among the leadership of nongovernmental organizations active in the human contacts field.

20. The U.S. delegations to the CSCE Review Meetings in Belgrade and Madrid were headed by high-profile figures drawn from the private sector who were widely known for their human rights advocacy. Their prominence served to attract greater public and media attention to the negotiating process and its human rights dimension than might otherwise have been the case. For Vienna, a career foreign service officer has been designated to lead the U.S. Delegation. However distinguished and knowledgeable this professional State Department officer may be, it is unlikely that such a person will lend the same stature to the position as did a former Supreme Court Justice, a former Cabinet officer or a prominent civic leader. By the selection of a State Department official to head the Vienna delegation, do we not appear to be attaching lesser importance to the Review Meeting in general -- and to its human rights component in particular -- than we did to the Belgrade and Madrid meetings?

A: The President appointed Warren Zimmermann, a member of the Senior Foreign Service, to head the delegation to Vienna. Ambassador Zimmermann has a wealth of experience both in negotiating with the Soviets and in CSCE; he was the deputy to Max Kampelman at the Madrid meeting and subsequently Deputy Chief of Mission at our Embassy in Moscow.

Ambassador Zimmermann's appointment represents no diminution of the Administration's commitment to CSCE -- especially its human rights component. On the contrary, we believe appointment of a seasoned professional to serve as head of our delegation underlines the seriousness of our commitment to CSCE. Ambassador Zimmermann knows the issues and he knows the resources in both the private and public sectors into which he can tap for advice and expertise.

21. Why has the Department of State decided to reduce the role of the Commission in the CSCE by effectively ruling out the possibility of Commission staff holding the number 1 or number 2 positions in U.S. delegations to CSCE meetings as they have in the past?

A: In selecting individuals to occupy leadership positions in our delegations, we have sought those who were best qualified to fill these positions. In the past, distinguished members of the private sector, senior Foreign Service officers, and senior members of the Commission staff have served in such positions. We have not foreclosed the use of any of these resources in the future.

22. A year before the Madrid Review Conference planning had begun as to those issues with which the U.S. delegation would be confronted. Why has there been no intra-governmental planning involving the Commission for the Vienna Review Conference next November.

A: We have begun planning with the Commission staff on how we should approach the Vienna meeting. A number of inter-agency working group meetings have been held.

In the case of Madrid, we had to start almost from scratch and thus required a much longer preparatory period. We did not have this legacy of the human rights, cultural, and human contacts meetings to guide us. And we didn't have an ongoing meeting on the security aspects of CSCE.

In some respects, we have been planning for Vienna for the past 18 months -- our preparations for the meetings in Ottawa, Budapest and Bern have produced major themes and proposals for use in Vienna. With these recent meetings and the policy for them as our guide, we already have a framework for Vienna that the Commission and its staff helped to construct.